RAJYA SABHA

Thursday, the 30th July, 1998/Shravana 8, 1920 (Saka)

The House met at eleven of the clock,

Mr. Chairman *in the Chair.*

SHORT DURATION DISCUSSION
Constitutional Crisis in Goa

SHRI KAPIL SIBAL (Bihar): Mr. Chairman, Sir, I would like to..

MR. CHAIRMAN: I have received a notice from Dr. Manmohan Singh. Dr. Manmohan Singh, would you like to speak? *...(Interruptions)...* Let him speak.

THE LEADER OF THE OPPOSITION (DR. MANMOHAN SINGH): Mr. Chairman, Sir, last evening a grave Constitutional crisis was created in the State of Goa. We have been saying that Governors appointed by this Government are functioning in a manner which does not inspire confidence in the public at large. We have a living proof where a Governor has most conspicuously misused his position. We feel that whatever differences may exist in the Assembly, the Governor's House is not the place to resolve those issues. If there were any problems arising out of the actions of the Speaker, courts are the proper authority to adjudicate in this matter. But in this case, the Governor, in our view, has acted in a most unconstitutional manner. We feel that this is a fit case where this Governor should be recalled. My friend..

MR. CHAIRMAN: No, Since you have given a notice, you have to mention about that.

I am converting the notice given by Dr. Manmohan Singh under rule 168 of the Rules of Procedure and Conduct of Business in the Council of States into a Discussion under rule 176. The discussion on this can start immediately.

SHRI PRANAB MUKHERJEE (West Bengal): Mr. Chairman, Sir, respectfully I submit that you have full right to convert it into a motion or change the rule. But here what we wanted to express was the opinion of the House about an unconstitutional act of the Governor of Goa because this House is a custodian to protect the Constitution. Each and every one of us has taken an oath to protect and uphold the Constitution. What has happend in Goa is a gross violation of the Constitutional provision. Therefore, this House should be allowed to express its opinion, Under rule 176, we cannot express our opinion.

Most respectfully I submit to you, please do consider and allow the motion in its original form in which Dr. Manmohan Singh the Leader of the Opposition, agreed to table it.
..(Interruptions)...

PROF. VIJAY KUMAR MALHOTRA (Delhi): Mr. Chairman, Sir, I raised my hand even before Shri Gurudas Das Gupta. Please give me a chance first.

MR. CHAIRMAN: Yes.

प्रो० विजय कुमार मल्होत्रा: मैं यह कह रहा था कि अभी मनमोहन सिंह जी ने जो बात कही कि गवर्नर का अप्वाइंटमेंट कैसे हुआ, यह तो इश्यू इस वक्त नहीं था। आपने कहा यह मैंने 176 में कर दिया है। हमें डिसकसन में कोई ऐतराज नहीं है। आपने 176 में डिसकसन शुरू करने के लिए कहा है। डिसकसन शुरू कीजिए और अपनी अपनी ओपीनियम रखी जाए। परन्तु बिना बहस शुरू किए प्रणव जी ने बोलना शुरू किया। उन्होंने कहा कि ....(व्यवधान)....

MR. CHAIRMAN: Please leave it. *..(Interruptions)...*Please leave it.

SHRIMATI KAMLA SINHA (Bihar): Prof. Malhotra, are you the Leader of the House? Why should you give your opinion? Let the Leader of the House give his opinion.

श्री राजूभाई ए० परमार (गुजरात): यह क्या हो रहा है, हाउस में बोलने नहीं दिया है।
....(व्यवधान)....

SHRI GURUDAS DAS GUPTA (West Bengal): Mr. Chairman, Sir, I totally endorse the views expressed by Mr. Pranab Mukherjee. This is the Upper House. It is the Council of States. Since

it is the Council of States, it has an additional responsibility. According to the Constitution, the additional responsibility of the Council of States is to take into consideration the interests of the States, the Centre-State relations and to that extent the application of the relevant provisions of the Consitution.

What Mr. Manmohan Singh has said and what Pranab Babu has said is an important issue. The behaviour of the Governor in a particular State cannot be..*(Interruptions)*...

PROF. VIJAY KUMAR MALHOTRA: Sir, what is this? बहस शुरु कराइए। जब इनका टाइम आए तो बोलें। Let there be a discussion ..*(Interruptions)*... Let there be a regular, structured discussion ..*(Interruptions)*...

SHRI GURUDAS DAS GUPTA: Sir, I don't like to be interrupted ..*(Interruptions)*... My point is, this House must be allowed to express its views ..*(Interruptions)*... The opinion of the House cannot be throttled. I beg of you, as Chairman of the House, to kindly take into consideration the opinion of the Members of the House... A Member should be free to express his opinion ..*(Interruptions)*...

सदन के नेता (श्री सिकन्दर बख्त): मैं यह कह रहा हूं कि ये क्या कह रहे हैं। ये बोलते चले जाते हैं। इनको कोई रोकने वाला नहीं है ....(व्यवधान).... सदर साहब मैं यह बात कह रहा हूं

†[ ]نیتا سدن "شری سکندر بخت": میں یہ کہہ رہا ہوں کہ یہ کیا کہہ رہے ہیں۔ یہ بولتے چلے جاتے ہیں ان کو کوئی روکنے والا نہیں ہے ... صدر صاحب میں یہ بات کہہ رہا ہوں ... "مداخلت" ...[ ]

SHRI GURUDAS DAS GUPTA: He cannot interrupt me ..*(Interruptions)*... The rule of the House is clear ..*(Interruptions)*... The Leader of the House cannot interrupt me ..*(Interruptions)*... Have you allowed the Leader of the House to interrupt me?

श्री सिकन्दर बख्त: मैं कह रहा हूं कि आपके चैम्बर में सदर साहब मैंने कहा ....(व्यवधान)....

†[ ]شری سکندر بخت: میں کہہ رہا ہوں کہ آپ کے چیمبر میں صدر صاحب میں نے کہا ... "مداخلت" ...[ ]

श्री खान गुफ़रान ज़ाहिदी (उत्तर प्रदेश): हाउस की ओपीनियन लेनी चाहिए। यह एक बहुत इम्पार्टेंट इश्यू है। इस पर हाउस की ओपीनियन ले लीजिए।

श्री सभापति: देखिए! मेरी बात सुनिए। इनको कहने दीजिए। लीडर साहब को कहने दीजिए पहले।

श्री सिकन्दर बख्त: सदर साहब, मैं आपके चैम्बर में था तो उस वक्त मैंने कहा था, जब आपने मुझसे यह पूछा तो मैंने कहा कि बड़े शौक से। स्ट्रक्चर्ड डिस्कशन की बात हुई थी। होने दीजिए। मैंने कब मना किया है। यहां डाक्टर साहब ने जब बात मूव की थी तो उसी वक्त सवाल पैदा हो गया कि बाकायदा रेगुलर स्ट्रक्चर्ड डिस्कशन शुरू हो। प्रणब बाबू ने कुछ फरमाया, एक बुजुर्ग और इधर से खड़े हो गए। तो यह क्या मतलब है। मैं कहता हूं कि करें डिस्कशन। ठीक है।

†[ ]شری سکندر بخت: صدر صاحب۔ میں آپ کے چیمبر میں تھا تو اس وقت میں نے کہا تھا۔ جب آپ نے مجھ سے یہ پوچھا تھا تو میں نے کہا کہ بڑے شوق سے۔ اسٹرکچرڈ ڈسکشن کی بات ہوئی تھی۔ ہونے دیجئے میں نے کب منع کیا ہے۔ یہاں ڈاکٹر صاحب نے جب بات موو کی تھی تو اسی وقت سوال پیدا ہو گیا کہ باقاعدہ ریگولر اسٹرکچرڈ ڈسکشن شروع ہو۔ تب بابو نے کچھ فرمایا۔ ایک بزرگ اور ادھر سے کھڑے ہو گئے۔ تو یہ کیا

†[ ]Transilteration in Arabic Script

مطلب ہے۔ میں یہ کہتا ہوں کہ کریں
ڈسکشن ٹھیک ہے!

श्री सभापतिः देखिए, मेरी बात सुनिए ....(व्यवधान)....

Let me give my ruling. I have heard you. The Members can speak about the action of the Governor under Rule 176 ..*(Interruptions)*... I have given my ruling. I have converted it to discussion under Rule 176. So, the discussion shall start. Shri Kapil Sibal.

SHRI KAPIL SIBAL: Mr. Chairman, Sir, I am grateful to you for having given me an opportunity to discuss a matter of great constitutional imprtance. I may, say, at the outset, that the Governor of the State of Goa has trivialised the provisions of the Constitution, has abdicated his constitutional duty and dismissed the Government contrary to the provisions of the Constitution and in violation of all norms of democracy. The matter is of great urgency and it is time ..*(Interruptions)*...

SHRI M. VENKAIAH NAIDU (Karnataka): Sir, I am on a point of order ..*(Interruptions)*...

SHRI PRANAB MUKHERJEE (West Bengal): Sir, we will not allow them ..*(Interruptions)*... They cannot interrupt ..*(Interruptions)*... If they interrupt us, we will not allow any single Member of the ruling party to speak ..*(Interruptions)*... We will not allow a single Member there to speak ..*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: You don't want order. You only want disorder ..*(Interruptions)*... Nobody is interrupting you ..*(Interruptions)*...

SHRI PRANAB MUKHERJEE: It is murder of the Constitution ..*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Sir, my only plea is that under Rules 176 and 177 ..*(Interruptions)*...

SHRI MD. SALIM (West Bengal): In real terms there can be no point of order at this juncture ..*(Interruptions)*...

SHRI PRANAB MUKHERJEE: It is murder of the Constitution ..*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: You are worried. What can we do? ..*(Interruptions)*... What can we do if your party splits? ..*(Interruptions)*...

SHRI PRANAB MUKHERJEE: He violated ..*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Who violated ..*(Interruptions)*... You violated ..*(Interruptions)*...

SHRI NILOTPAL BASU (West Bengal): The Member is just making his point. How can there be a point of order on it? *(Interruptions)*

SHRI PRANAB MUKHERJEE: We are not going to allow this... (*Interruptions*) It cannot be done .....(*Interruptions*) You are murdering the constitution. It cannot go on ....(*Interruptions*) We will not allow it to go on.... (*Interruptions*) No point of order can be there. (*Interruptions*). No other business of the House could be transacted before this ....(*Interruptions*). You have violated the constitution. (*Interruptions*). We demand the recall of the Governor right now. (*Interruptions*).

PROF. VIJAY KUMAR MALHOTRA: Let the Chairman decide on the point of order. (*Interruptions*). महोदय, प्वायंट् ऑफ् आर्डर रेज़ करना मैंबर का राइट है। ....(व्यवधान)

SHRI PRANAB MUKHERJEE: Nothing else can go on. (*Interruptions*). You have violated the Constitution. (*Interruptions*). No point of order. Why should the Member who is speaking be interrupted?

प्रो॰ विजय कुमार मल्होत्राः प्वायंट् ऑफ् आर्डर रेज़ होगा। ....(व्यवधान)

श्री रामदास अग्रवाल (राजस्थान): इन्होंने खुद कई बार प्वायंट् ऑफ् रेज़ किया है।

SHRI PRANAB MUKHERJEE: Sir, it cannot run like this. (*Interruptions*). They cannot run away .....(*Interruptions*). We demand the recall of the Governor. (*Interruptions*).

SHRI NILOTPAL BASU: Sir, how can we function like this? (*Interruptions*).

श्री खान गुफरान ज़ाहिदी (उत्तर प्रदेश): ये लोग आपके फैसले को चैलेंज नहीं कर सकते। ....**(व्यवधान)** आपके फैसले को चैलेंज नहीं कर सकते। ...**(व्यवधान)**

प्रो॰ विजय कुमार मल्होत्रा: प्वायंट् ऑफ् आर्डर नहीं रोका जा सकता। ....**(व्यवधान)**

SHRI M. VENKAIAH NAIDU: I am trying to help the proper functioning of the House. (*Interruptions*). Mr. Chairman, I want your ruling on this. (*Interruptions*).

SHRI PRANAB MUKHERJEE: The Governor of Goa has to be recalled. We are not going to ...(*Interruptions*).

श्री सुरेश पचौरी (मध्य प्रदेश): सभापति जी, संविधान की धज्जियां उड़ा दी हैं। ...**(व्यवधान)** संविधान की धज्जियां उड़ा दी हैं। ....**(व्यवधान)** सभापति महोदय, गोआ के गवर्नर ने संविधान की धज्जियां उड़ाई हैं, उनको तुरन्त बुलाया जाना चाहिए। ....**(व्यवधान)**

प्रो॰ विजय कुमार मल्होत्रा: कम्युनिस्ट पार्टी के मैम्बर टूट गए, पार्टी छोड़ गए और आप पर्दा डाल रहे हैं। ....**(व्यवधान)** कम्युनिस्ट पार्टी टूट गई। ....**(व्यवधान)**

श्री सुरेश पचौरी: सभापति जी, गोआ के गवर्नर ने संविधान की धज्जियां उड़ा दी हैं। ....**(व्यवधान)**

प्रो॰ विजय कुमार मल्होत्रा: आप भी संविधान की हत्या कर रहे हो। ....**(व्यवधान)**

श्री सुरेश पचौरी: सभापति महोदय, सरकार की बर्खास्तगी करना संविधान की धज्जियां उड़ाना है। ....**(व्यवधान)**

PROF. VIJAY KUMAR MALHOTRA: The point of order has to be listened to. (*Interruptions*).

श्री खान गुफ़रान ज़ाहिदी: गवर्नर को वापिस बुलाओ ....**(व्यवधान)**... आप के फैसले को चैलेंज नहीं कर सकते। आप ने हुक्म दिया है ....**(व्यवधान)**.... आप के फैसले को चैलेंज नहीं कर सकते।

प्रो॰ विजय कुमार मल्होत्रा: आप की पार्टी टूट गयी तो हमारी जिम्मेदारी है? हम क्या करें ....**(व्यवधान)**.... अपनी पार्टी तोड़कर बैठ गए और ....**(व्यवधान)**....

Sir, you must listen to the point of order raised by him and give your ruling. (*Interruptions*).

श्री रामदास अग्रवाल: यहां आकर हल्ला मचाते हो ....**(व्यवधान)**... क्या मतलब है इस का? .....**(व्यवधान)**...

प्रो॰ विजय कुमार मल्होत्रा: अपनी पार्टी को रोको ....**(व्यवधान)**...

श्री सुरेश पचौरी: एक तरफ उत्तर प्रदेश में आर॰एस॰एस॰ ....**(व्यवधान)**... निर्देश दे रहे हैं, दूसरी तरफ गवर्नर संविधान की धज्जियां उड़ा रहे हैं। यह सब क्या हो रहा है?

श्री खान गुफ़रान ज़ाहिदी: जम्हूरियत का कत्ले-आम नहीं चलेगा। ....**(व्यवधान)**... हम पी॰एम॰ को भी नहीं सुनेंगे। अगर आप नहीं सुनोगे तो हम भी नहीं सुनेंगे आप को। ...**(व्यवधान)**...

श्री रामदास अग्रवाल: हमारी जिम्मेदारी है इसकी ....**(व्यवधान)**.... वहां जाओं ....**(व्यवधान)**...

श्री रमा शंकर कौशिक (उत्तर प्रदेश): सभापति जी, मेरा एक निवेदन है....

SHRI M. VENKAIAH NAIDU: Sir, if they are not able to control their party, we cannot help out. I want a proper discussion. (*Interruptions*)

PROF. VIJAY KUMAR MALHOTRA: Sir, kindly listen to his point of order. We seek your protection, Sir. (*Interruptions*)

श्री सभापति: आप बैठिए, अभी कोई निवेदन नहीं।

The hon. Member wanted to raise a point of order. He could not complete his point of order. But he read out rule 177 of the rules of Procedure and Conduct of business in the Council of States. (*Interruptions*) Let me complete. I have heard it. Let me explain it. Perhaps, he was not

present in the Chamber when the discussion took place. Had he been present in the Chamber, he would not have raised this point of order. The hon. Member, Shri H. Hanumanthappa, had raised a question about the suspension of rule 267 in the Chamber and after that, it should be done. The Leader of the House was there and I asked the Leader of the House whether we could take up this matter of urgent public importance immediately. I also said that he has to contact the Minister. He was gracious enough to see to it. So, after all that talk took place in the chamber and when Shri H. Hanumanthappa said something about the suspension of rules and when I gave permission to raise it, it means that I had suspended the rules under rule 267. So, rule 177 was not required. The discussion can continue immediately. (*Interruptions*)

SHRI M. VENKAIAH NAIDU: Sir, sombody has to respond. Sir, the rule says; "The concerned Minister....(*Interruptions*)

SHRI NILOTPAL BASU: Sir, he is challenging the Chairman's ruling. (*Interruptions*)

MR. CHAIRMAN: Well, Mr. Venkaiah Naidu, you were not present in the chamber when the discussion took place. This issue was also raised that we must get the Minister immediately. The Leader of the House was present there. He said that he would be there. As long as the Home Minister is busy somewhere else because of a statement, the Leader of the House would be there. The Leader of the House is a responsible and respected Member of the Government. He will note down the points. Others will note down the points. There is no problem. The Home Minister can be properly briefed and the answer can be given.

SHRI M. VENKAIAH NAIDU: Sir, this is what I say. Let the Minister come. *...(Interruptions)...*

MR. CHAIRMAN: It is not good. *...(Interruptions)...* That is what I say. The difficulty is that the Leader of the House who belongs to the ruling party was present there. The issue was raised about taking notes till the Home Minister comes. He is a respected Leader of the House, an old hand, and he will take down the notes. He will report to the Home Minister. That is usual. *...(Interruptions)...*

SHRI NILOTPAL BASU: Sir, he is a super leader.

DR. RAJA RAMANNA (Nominated): Sir, I am on a point of order.

MR. CHAIRMAN: Not now. Please sit down. Then everyone will start doing that.

DR. RAJA RAMANNA: Sir, it is very different from what is being said here. You please just listen to me, Sir.

I know that the Goa Government has fallen, but Governments come and go, Governors come and go, but for two days you have already postponed a discussion on the working of our Industry Ministry and now all the boys who are passing out from the IITs will rune away if you don't do something about our industry problems. That, I think, is the highest priority and should be discussed first.

MR. CHAIRMAN: Anyway, that is a different thing.

SHRI KAPIL SIBAL: Mr. Chairman, Sir, I thank you very much. I quite understand the concern of some of the hon. Members of this House who are repeatedly objecting to the carrying forward of the proceedings, and I quite appreciate that they will be somewhat embarrassed when I place before the House the real facts, the real facts which led to the dismissal of a Government which enjoyed the confidence of the House. Sir, everything happened in the course of five days! It started on the 24th of this month, and on the 29th a Government which enjoyed the confidence of the House was dismissed! Sir, may I tell you the facts, may I tell the hon. Members of this House the facts that led to the unconstitutional action of the Governor? I think it is nothing short

of murder of democracy itself. And I quite understand the nature of the opposition also! This Government double talks all the time. When it comes to U.P., it takes one stand; when it comes to Goa, it takes the opposite stand. They are not bothered about the Constitutional norms; they are bothered about power and that is all that they want, Sir. ...*(Interruptions)*... On the 24th of July, as you know, in an Assembly of 39 Members, the Congress had 23. So, they had a clear majority. On the 24th of July, five Members were thrown out of the Congress Party. This was duly done by the order of the President of the Goa Pradesh Congress Committee. After the throwing out of these five persons, two persons who belonged to the United Goan Democratic Party joined the Congress Party. So, from 23, the strength had come down to 18. Five persons were dismissed, and two others joined. So, we had 20 Members in the Assembly. Meanwhile on the 25th of July an intimation was sent to the Speaker of the House that five Members of the congress party had been expelled. A further intimation was also sent that two other Members had joined the Congress Party. On the 27th, a Communication was sent to the Speaker by 10 Members belonging to the Congress Legislature Party to the effect that they were seeking permission to form a separate group. That separate group was sought to be formed with effect from the 24th of July! What is important to note here is that in the communication to the Speaker of the Assembly ten members forming a separate group never said that this was as a result of any split in the Congress party. Consequently, the Congress party took action and two petitions for disqualification were moved before the Speaker. One petition was directed towards five Members of the Congress who had been expelled on 24th of July and the other petition was directed against all ten Members. The disqualification was sought on the ground that under the Tenth Schedule of the Constitution none of these five Members or ten Members could take advantage of paragraph 3 of the Tenth Schedule. Sir, in fact, it is better that I read paragraph 3 of the Tenth Schedule of the Constitution. May I, Sir, with your permission read it? This is what it says: "Where a member of a House makes a claim that he and any other members of his legislature party constitute the group representing a faction which has arisen as a result of a split in his original political party and such group consists of not less than one-third of the members of such legislature party," then they are entitled to protection. So, two conditions have to be satisfied. Condition number one is that they represent a faction of the members of the legislature party and that faction has arisen as a result of a split in the original political party. That fact was never mentioned because there was no split. Therefore, we moved a petition before the Speaker and the Speaker gave them notice and said, "please come and appear before me". In the meantime, the Speaker passed an order. The Speaker passed an order directing each of these ten Members not to participate in the proceedings of the House and also passed an order to the effect that they were not entitled to vote in the course of the proceedings. I am stating these facts not for the purpose of castigating one authority or the other. I want to state the facts so that the hon. Members of this House know exactly what happened. Unfortunate events started thereafter. As you know, Sir, when a Speaker disqualifies a Member or passes an order which is adverse to the interests of that Member, there is a judicial resourse available to him. First he has to appear before the Speaker and justify his claim. In the event he is unhappy about the result of that claim, as you know, Sir, there is a judicial remedy available to him. The Supreme Court in Holohon's case has categorically stated that such a judicial remedy is available. The proper course of action to follow is to complam against the action of the Speaker in a court of law. That did happen. On the

very next day a petition was moved in the High Court. It was mentioned at 10.30 A.M. I am now talking about the 29th July. In the meantime, a very strange thing happened. We are here today not to condemn 'A' or 'B'. We are standing here today to protect our institutions. Governments may come and Governments may go, Governors may come and Governors may go. So also in the case of Speakers. What is more important for us is to rise together and to uphold the principles of constitutional democracy. I am sure that my party will never be hesitant in condemning any infraction of any constitutional authority, if it happens. But I can say, Sir, ...*(Interruptions)*...

श्री रामदास अग्रवाल: आपकी पार्टी ने कई बार मर्डर किया है प्रजातंत्र का। ..**(व्यवधान)**... उत्तर प्रदेश में हो चुका है ..**(व्यवधान)**...

SHRI KAPIL SIBAL: Sir, will you let me continue? ...*(Interruptions)*... Sir, Will you please let me continue? ...*(Interruptions)*... When I reveal the facts my learned friends will not be so agitated.

When I reveal the facts, they will understand that there is a higher principle than the principle of intervention in this House, that is to uphold constitutional norsm. ...*(Interruptions)*.

If you remember, Sir, just a few months ago something happened in the State Uttar Pradesh. The Governor asked a particular person who was sworn in as Chief Minsiter, to prove his majority on the floor of the Assembly within three days of his swearing in. What happened at that time? What did the BJP do? At that time the present Prime Minister decided to go on a fast unto death. Why? He thought that three days were not enough for anybody to prove his majority on the floor. But what did the Governor of Goa do? He sent a communication to the Chief Minister at 2 o'clock asking the Chief Minister to prove his confidence by 3.30 p.m. *(Interruptions)*.

श्री रामदास अग्रवाल: अपनी पार्टी के कारनामों के इतिहास को पढ़ो पहले ...**(व्यवधान)**

SHRI GOPALSING G. SOLANKI (Gujarat): Sir, ...*(Interruptions)*.

SHRI KAPIL SIBAL: I can only say that ...*(Interruptions)*.

SHRI RAMDAS AGARWAL: Sir, he is giving a wrong picture.

SHRI KAPIL SIBAL: That is why Dr. Manmohan Singh. ...*(Interruptions)*. That is why I talked of double. speak. *(Interruptions)*. That is why I talked of double—standards. *(Interruptions)*. Sir,

श्री रामदास अग्रवाल: सदन को गुमराह किया जा रहा है ...**(व्यवधान)** मैं जानना चाहता हूं कि जब यू०पी० के अंदर सरकार को बर्खास्त किया गया था ...**(व्यवधान)** जो बात आपने कही है, वह ठीक नहीं है ..**(व्यवधान)**

SHRI KAPIL SIBAL: Sir, I am not yielding. *(Interruptions)*. Sir, I am not yielding. *(Interruptions)*.

MR. CHAIRMAN: Please sit down. *(Interruptions)*.

SHRI KAPIL SIBAL: I can understand why it is hunting my learned friend. I know why it is hurting him. The people of India now know that when they are in Power they speak one language but when in opposition they speak the opposite language. The people of this country know that. *(Interruptions)*.

श्री संजय निरुपम (महाराष्ट्र): कांग्रेस का चरित्र भी यही है, सर ...**(व्यवधान)**

SHRI GOPALSINH G. SOLANKI: Sir, he is misguiding the House. *(Interruptions)*.

SHRI KAPIL SIBAL: The people of this country know that. I would like to read a letter written by the Governor to the Chief Minister on the 28th of July, 1998. The letter says:

> "After carefully considering the political developments in the State and also the fact that important financial and other business has to be concluded in the ongoing Session of the

Legislative Assembly, I am of the view that in order to uphold the democratic principles"—after having destroyed them—"You and the Ministry headed by you should seek a vote of confidence."

"I, therefore, direct that"—this is at 2 p.m. and I will comment on it a little later—"you may immediately, and in any event before 3.30 p.m. today seek the vote of confidence of the Assembly and report to me the result thereof".

Sir, I think this is enough to dismiss the Governor. This communication is enough for the Central Government to dismiss this Governor. The Governor has no right to give such mandatory directions to the representative of the people ...*(Interruptions)*.

SHRI GOPALSINH G. SOLANKI: Sir, he is misleading the Hosue. *(Interruptions)*.

SHRI KAPIL SIBAL: I know why he is agitated. Sir, I would like to state ...*(Interruptions)*. Sir, look at the graciousness of the Members of the Assembly. They actually obeyed the direction of the Governor.

They called the House—the Assembly was in Session—and a vote of confidence was passed.

Sir, now I would like to read out the letter which the Chief Minister, Shri Pratap Sing Rane wrote to the Governor. I quote: "As per your Order of 28th July, 1998, I have moved the Vote of Confidence Motion in the House at 3.10 P.M. and the same was approved by the House by a voice vote." It was passed. So, Mr. Rane enjoyed the confidence of the House. But see what the Governor did then. The Governor, on 28th July directed the Speaker under article 175 (2) to take up certain items of business. And I shall read that letter to the hon. Members of this House. He says: "After carefully considering the political developments in the State and having concern about the transaction of pending important financial and other business in the Hosue, I, in terms of clause 2 of article 175 of the Constitution of India, hereby send the following message for consideration of the Legislative Assembly: The House may, on 28th July, before transacting any other business consider and dispose of the following matters in the order indicated namely (1) The Motion of Vote of Confidence in the Ministry headed by Pratap Sing Rane"—this was passed at 3.10 p.m.—"(2) All stages of Motion or Motions for which notices have been given, but not taken up"—those were also duly taken up—"(3) Passing of all remaining Budgetary Demands and (4) Passing of the Annual Appropriation Bill and also the Supplementary Appropriation Bill. The proceeding for transacting business listed at items (1) and (2) above shall be completed before 7 p.m. on 28th of July and the remaining business befoe 7 p.m. on 30th of July. I haye separately directed the Chief Minister to seek a vote of confidence in the Ministry headed by him in the House before 3.30 p.m." So, Sir, the vote of confidence was sought and the vote of confidence was won, and thereafter the House duly transacted the business as per the request of the Governor. How could the Governor then dismiss this Ministry! I fail to understand. I am sure that my learned friends will speak with one voice and criticise the high constitutional authority for having dealt so shabbily with this document. Sir, what happened thereafter on the 28th of July? I may mention to you that the Motion of Vote of Confidence was moved by the Chief Minister, as I have said, and the same was proposed and put to vote, and was passed by 16 votes to 13 votes. Then, the five Budgetary Demands were passed in the House and the same were listed in consultation with the Leader of the House and the Leader of the Opposition because the first two items were the items relating to his seeking the confidence of the House. So, after he sought the confidence of the House, the other Budgetary demands

were taken up and they were also duly passed. And as per the Rules of Business of the house and conventions, the Demands which could not be taken up on 27th were taken up on 29th along with other Demands. They were all taken up and passed. This happened till 6 p.m. But what happened thereafter? What happened was that at 8.35 in the evening of 29th July an order was passed by the Government. Sir, I read that order to you. It says: "In exercise of powers vested under article 164 (1) and other enabling provisions of the Constitution, Lieutenent-General (Retd.) Jack Frederick Ralph Jacob, Param Visisht Seva Medal, the Governor of the State of Goa, do hereby...(*Interruptions*) It is all right. He is only setting forth his credentials. We do not object to it. It further says: "... hereby withdraw"—this is serious—.."my pleasure and accordingly dismiss forthwith Shri Pratap Sing Raoji Rane as Chief Minister of the State of Goa" ...(*Interruptions*) It is a matter of shame ...(*Interruptions*) This indeed is a matter of shame. But what happened subsequently is even more startling. What did he do thereafter? Even though there was a Chief Minister who had got the confidence of the house, he prorogued the Assembly under article 174 of the Constitution, though, as you know, Sir, the correct constitutional position is that no Governor is entitled to prorogue or dissolve the Assembly except in accordance with the advice of the Council of Ministers.

Admittedly, the Council of Ministers had not advised him and yet he took to invoking the power under Article 174 and prorogue the Assembly. That, Sir, is a matter of concern to all of us. It may happen in Goa today, but the day is not too far away when it might happen in other States of this country; now that they are in power. This is a very serious matter. We are not talking about Governor A or B, we are talking about constitutional norms. We are not talking about personalities in this House, we are talking about high constitutional principles. We are talking about the murder of democracy. We are talking about the manner in which high constitutional authorities appointed by this Government have behaved dealing with the Constitution in this shabby manner. That is what we are talking about. I hope that this House rises in one voice and condemns it. I might invite your attention to a situation that developed in 1994 when in this very State, in the State of Goa, a Governor dismissed a Ministry which enjoyed the confidence of the House in a similar fashion. The then Government in power dismissed that Governor. *(Interruptions)* I don't want to name him. But this is a matter of record and the Members will be able to check it up. The then Government in power at the Centre dismissed that Governor. Of course, we don't expect any such thing from them because they are in collusion with him. I don't expect any such thing from them. Otherwise, they would have taken note of these events yesterday and this morning the government would have been dismissed. I want a statement from them: Would they in these circumstances take action against this Governor? And if they don't, then it is clear that they have acted in tandem with the Governor. It is clear, Sir, unless they take action.

Now, I move to another very important issue. Again of high constitutional importance. The Governor says that he took action under Article 164(1) of the Constitution. This provision applies to States. There is a similar provision which applies to the Central Government which is Article 75 of the Constitution. So, that will first...

SHRI GOPALSINH G. SOLANKI: Try to amend it.

SHRI KAPIL SIBAL: Of course, you will amend the Constitution, if you are allowed to continue. We know that agenda also. You have all these hidden agendas. We are aware of that.

Now, Sir, I might tell you... *(Interruptions)* Article 164 of the Constitution,

under which the Governor is supposed to have acted, says:

> "The Chief Minister shall be appointed by the Governor"—this is important, Sir—"and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor."

So, the hon. chairman will see a very subtle distinction between the appointment of the Chief Minister by the Governor and the appointment of Ministers on the advice of the Chief Minister. These are two different qualities of appointment. And the further sentence is:

> "...and the Ministers shall hold office during the pleasure of the Governor."

meaning thereby that if the Chief Minister advises the Governor to accept the resignation of a particular Minister or to dismiss a particular Minister, then the Governor is bound by that advice and the Governor can at his pleasure dismiss that Minister. That proposition, Sir, doesn't and cannot apply to the office of the Chief Minister because the Chief Minister doesn't hold office at the pleasure of the Governor; the Chief Minister holds office on account of his party's majority in the House. And it is only when he loses the confidence of the House that he can be dismissed. Now, Sir, apply this and look at Article 75 of the Constitution. Look at article 75 because it relates to the Central Government. I would like the Government to respond to this. If their position is that Governors can dismiss ministries at their pleasure, we would like to know that from them. The people of this country will know that Governors are entitled to dismiss ministries even though they enjoy the confidence of the House.

Sir, let me read article 75 which says, "The Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister". This is similar to 164(1). The next, Sir is Article 75(2) which states: "The Ministers shall hold office during the pleasure of the President". A similar provision, Sir. In other words, if the Prime Minister advises the President that a particular member of the Cabinet who is a Minister should be dismissed, the President is bound by that advice because the Minister holds office at the pleasure of the President, namely, he holds office as long as he enjoys the confidence of the Prime Minister. But, Sir, that principle cannot be applied to the office of the Prime Minister. Can anybody say that the President of this country can dismiss the Prime Minister even though he enjoys the confidence of the House? That, Sir, is the core issue. Consequently, Sir the acts of the governor are in violation of the provisions of the Constitution. The Governor has acted extra-constitutionally; the Governor has disregarded provisions of the Constitution. In fact, disregarded the entire spirit of the Constitution. Sir, this is a very serious matter and the Government must take it up immediately because if this is how the Constitution has to be interpreted by high constitutional functionaries, like the Governor, then Sir, we are all in jeopardy. All elected Governments are in jeopardy. As you already know, Sir, there is a lot of talk going on as to how to get rid of the West Bengal Government; there is a lot of talk going on as to how to get rid of some other elected Governments in this country. And if such power is given to the Governor, then it will be the end of constitutional democracy in India. The whole system will collapse—not that it has not collapsed already—it has taken only 120-odd days to collapse.

Sir, in the past also, when the Congress was in power, the Andhra Governor, Shri Ram Lal was changed and Shri S.D. Sharma was sent in the regime of NTR because the Congress thought that Shri Ram Lal was not conducting affairs in accordance with the provisions of the Constitution. Sir, as I said earlier, the Goa Governor, Shri Bhanu Pratap Singh was changed in 1994. Therefore, Sir, we

would like to know from the Government as to how constitutional functionaries holding the office of Governor are to deal with the provisions of the Constitution. Do they have any blanket powers?

Sir, as you know, the Governor is not concerned with what happens within the House. He may send messages to the House under article 175. But he is not concerned with the actual political alliances that exist in the House because he cannot get involved in that controversy. The Governor in a way is insulated from this. The Governor is not concerned with what happens in the House itself once the House is constituted; once there is a valid Government in power what the Governor has to do is to take note of certain events that have happened both outside the House and inside the House. He has taken note of those events and come to his own conclusions, and on the basis of those conclusions, dismissed the Government. That, Sir, is a matter of concern. I would like the Central Government to take up this matter.

The other matter of concern is, with reference to article 174 of the Constitution. It States "(1) The Governor shall from time to time summon the House or each House of the Legislature of the State to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(2) The Governor may from time to time—

(a) prorogue the House or either House;

(b) dissolve the Legislative Assembly." In this case, the Governor prorogued the House, but on whose advice? The Governor cannot on his own prorogue the House in the midst of the Session. The Governor cannot, without the advice of the Council of Ministers, dissolve the House. That is not the domain of the Governor. Governor is the executive head of the State. He cannot directly or indirectly interfere in the proceedings of the House. That is what has happened in this particular case. Therefore, the matter, as I said, is of grave ...*(Interruptions)*.

SHRI GOPALSINH G. SOLANKI: It speaks about the dissolution. It is within the power. *(Interruptions)*

SHRI KAPIL SIBAL: What article? You mentioned an article. Tell me.

SHRI GOPALSINH G. SOLANKI: Article 174 (b).

SHRI KAPIL SIBAL: I am grateful to the hon. Member to have pointed out article 174(b). It says that the Governor may, from time to tome, dissolve the Legislative Assembly. I do not know what point the hon. Member is trying to make.

SHRI SURESH PACHOURI: The Assembly is not dissolved. *(Interruptions)* The Assembly is not dissolved, Gopalji. *(Interruptions)*

डा० (श्रीमती) उर्मिला चिमनभाई पटेल (गुजरात): आप क्या बात कह रहे हैं? ...(व्यवधान)...

SHRI KAPIL SIBAL: Now the question is, what do we do? What should the Government do today? What is our demand? The demand is that this Governor must be recalled forthwith. This is my opinion and the opinion of my party. The entire Constitutional machinery has broken down. Today, the Constitutional machinery in that State has broken down. If the Constitutional machinery has broken down, it is for the Government to apply its mind. The first step that the Government must take is to recall this Governor forthwith because any attempt to continue this Governor would mean that the Central Government is hand-in-glove with the Governor.

Secondly, once the Governor is recalled, then all actions of the Governor which are clearly unconstitutional must be declared *non est* and the true Constitutional position must be restored.

Shri Rane, who enjoyed the confidence of the House at 3.10 p.m. on 24th July, when the vote of confidence was passed, continues to be the Chief Minister of Goa. That is the only true Constitutional position. If there is any dispute in respect of any disqualification, as you know, it has to be resolved as in the case of UP where the Speaker of U.P. decided the issue of disqualification in respect of BSP Members. As you are aware, the Speaker decided the dispute and the matter is now pending in the Supreme Court. In a similar manner, the Speaker will pass an order and the matter can be taken up to the High Court. If the matter is required to be brought before the Supreme Court, they can bring it before that court. Sir, that dispute initially can only be decided under the Tenth Schedule within the House. That is what I wanted to say. Thank you, Sir.

SHRI M. VENKAIAH NAIDU: Mr. Chairman, Sir, ...*(Interruptions)*... Another Congress Member wants to say something. I am ready to yield.

MR. CHAIRMAN: No, no please.

SHRI M. VENKAIAH NAIDU: We, in fact, were interested to know but Mr. Kapil Sibal is defending a very, very weak case. What all Sibalji spoke will be a guidance for future. The simple reason is, here is a party which is responsible for dismissing 82 popularly elected Governments in this country. Eighty two times! And he is calling this as a murder! Murdering it 82 times and calling this also a murder today in Goa ...*(Interruptions)*

SHRI H. HANUMANTHAPPA (Karnataka): Not within 120 days ...*(Interruptions)*.

SHRI M. VENKAIAH NAIDU: We do not want to do it. *(Interruptions)* Secondly, Sir, people who are responsible for this imposed emergency, putting JP, Chandra Shekharji in jail. *(Interruptions)* They cannot talk of the Constitution. ...*(Interruptions)*... They were supporting the Emergency. ...*(Interruptions)*... Sir, today the Congress Member says that there is no split in the Congress Party. The Congress Party has a very bad history of split. ...*(Interruptions)*... We have seen Orissa Congress, Kerala Congress, Bangla Congress, Janata Congress, Rajiv Congress, Congress (I), Tiwari Congress, Urs Congress, etc. ...*(Interruptions)*... We have seen it. Now, coming to the main point ...*(Interruptions)*...

Now, coming to the actual situation today, what exactly happened the House should know because there is an attempt to mislead the House. My submission to this House is that we know as to what was the mandate of the people. The total strength of the Goa Assembly is 40 and the Congress Party got 18 seats. They created a split in the MGP and got five MLAs from that party to form the Government. Now what has happened is that 10 Members of the Congress Party broke away from the Congress Party and formed a party called as the Rajiv Congress. Their worry is that the Congress Party has split and the Rajiv Congress has formed the Government in Goa. They are opposed to this. ...*(Interruptions)*... They are opposed to it. I cannot help if there is a split ...*(Interruptions)*... If there is a split in the Congress Party, the Government cannot be blamed. ...*(Interruptions)*... The Government of India cannot be blamed. The Government of India is nowhere in the picture in the entire episode. Sir, the reason is very simple. Everybody knows it. Let Congressmen do a soul searching. The Chief Minister of Goa became autocratic. His son was sitting in the chair of the Chief Minister. He was discharging the functions of the Chief Minister. Therefore, there was a revolt. The Congressmen there said that they cannot tolerate this extra-constitutional authority. ...*(Interruptions)*... They could not tolerate this extra-constitutional authority. They formed a separate party. They met the Speaker and informed him that there is a legal and constitutional split in the Congress Party, so they are forming a separate group called the Rajiv Congress. Sir, my friend, Kapil Sibalji is ...*(Interrup-*

tions)... You are appreciating the Rajiv Congress because you are saying *aha aha*. Fine, it is good. ...*(Interruptions)*... Sir, my friend, Shri Kapil Sibalji, who is a learned advocate, always argues the wrong cases. ...*(Interruptions)*... He is an advocate, so he has to do that. I did not have that fortune though I am a lawyer. ...*(Interruptions)*... I could not practise. ...*(Interruptions)*... He has taken up such a wrong case. He is saying that the Speaker ...*(Interruptions)*... He has quoted a very relevant rule. He has talked of the Xth Schedule of the Constitution. But, there is also a judgement given by the Punjab and Haryana High Court. I want to bring that also to his notice. This judgement is with regard to split in any political party. It has been stated, whether it is a parent organisation or a State Legislature Party, it is a different entity. A State Legislature Party is a different entity. Secondly, Sir, the Speaker received this notice. What did he do? The Speaker is a constitutional authority and nobody can question the rights of the Speaker. I agree with that. Sir, when the Governor directed the Chief Minister after receiving a report that ten Members of the Rajiv Congress have deserted the Congress Party and have formed a separate group and staked a claim to form an alternative Governmet, the Governor dutifully, constitutionally and legally told the Chief Minister, "You seem to have lost the majority. You prove your majority." Sir, the Chief Minster had no majority. So, what they have done is ...*(Interruptions)*... On the day of the Session ...*(Interruptions)*... It has to be ascertained in the House, I agree with them. ...*(Interruptions)*... I am agreeing with him also. ...*(Interruptions)*... I agree that the strength of any Governmetn has to be ascertained in the House provided the House functions and the Constitution is followed. ...*(Interruptions)*... Sir, the Presiding Officer of the House after receiving the letter suspended them. He said, "You are not allowed to take part in the voting." Had they been allowed to take part in the voting, the Government would have gone. Sir, then there is a No-confidence Motion against the Speaker. Once there is a No-confidence Motion against the Speaker, he is not supposed to preside over the House. Under the rules he should vacate the Chair and ask some other Member to sit and perform the constitutional responsibilities. But, he did not do that. So, this is the position.

12.00 Noon

Sir, today, they are asking me ...*(Interruptions)*... Matters which are not palatable to them, they are not in a position to hear them. They do not want adverse publicity. They had imposed press censorship earlier. They do not want any criticism. They have put Opposition's view behind the bar. Even in the Parliament, they do not want us to put forth our point of view because it will be embarrassing for them. He was quoting extensively about the conduct of the Governor. Sir, I was a direct witness to what had happened in Gujarat. I was present as a party's observer there. The Governor of Gujarat had asked the Chief Minister to prove his majority. The Chief Minister proved his majority, went to the Governor, told him, "Sir, here is the majority." Within half-an-hour of our meeting with the Governor, the news came that the Government of Gujarat, which had successfully proved its majority on the floor of the House, was dismissed for no fault of theirs at the insistence of this party. What right have they got to criticise and to talk about the other parties and people? ...*(Interruptions)*... Is it not a fact? ...*(Interruptions)*... Let Mr. Kapil Sibalji and others do a soul-searching exercise and tell us whether the Constitution in Gujarat was misused or used properly. Sir, in a 182-Member House ...*(Interruptions)*... That is the reason, in the last election, the people in Gujarat condemned this brutality and murder of democracy and gave again a two-third majority to my party and reinstated my party and my Government in Gujarat. If you have such a moral courage—the elections in Goa are not too far, the people

are the better judges and they give the best judgment—you show it. I do not want to go into those politics.

Sir, coming to U.P., a Government was dismissed at midnight by the Governor and the very same party supported the Governor and his action. They condoned the action of the Governor and here the situation is, the Central Government is not in the picture and the Union Council of Ministers have not interfered in the affairs. The Governor, as per his powers under Articles 164 and 174(a), used his powers because his directive was flouted. The business that was given to the House to be transacted as per the Governor's directive was flouted not only by the Chief Minister but also by the Speaker of the Legislative Assembly of Goa where there is a no-confidence motion pending against him and where a majority of Members i.e., 10, of the Congress Party—the Congress Party's original strength was 18—left to the Rajiv Congress Party. I do not know with what name the remaining eight Members are to be called and to which Congress they belong. It is for them to decide. Of course, they can have a choice of their own name. Now, the Rajiv Gandhi's name has been taken away by the other party. So, it is not even out of place to mention that the Rajiv Congress is supporting this party. Here, at the Centre also the Rajiv Congress is supporting this Government and is a part of this Government. So, it is nothing new or nothing unnatural. Now-a-days, the Congressmen feel that their party has been abandoned *...(interruptions)...*

श्री खान गुफरान ज़ाहिदी: जो भंडारी जी ने कहा, ठीक है? ...**(व्यवधान)** जो जैकब भी कह रहे हैं, क्या वह ठीक है **(व्यवधान)**

श्री एम॰ वेंकेया नायडु: वह भी ठीक नहीं है। ...**(व्यवधान)**

SHRI SANGH PRIYA GAUTAM (Uttar Pradesh): Let him finish *...(Interruptions)...*

SHRI M. VENKAIAH NAIDU: Sir, the situation in Goa is, the Government which was having a majority has lost its majority. The Assembly could not function as per the guidelines of the Constitution as well as the advice of the Governor. Thirdly, the Speaker flouted the Constitution and then suspended the Members and also did not allow them to perform their duty. That itself is a violation of the Constitution. Forthly, the Congress party or the Opposition parties cannot blame us for their own disunity. Do you want me to work for your unity? Is it our job to be helpful to get your party united? *...(Interruptions)...* Can we do that? Do you expect us to do that? Sir, you may see, in the coming days, there may be a situation where you may further be embarrassed.

श्री कपिल सिब्बल: अच्छा! ...**(व्यवधान)**

श्री एम॰ वेंकेया नायडु: हां, अच्छा क्या? ...**(व्यवधान)**

Sir, under Article 164 from which our learned friend was quoting *...(Interruptions)...* Legally, I am no match to him. I agree. But the question is, politics. It is politics, it is democracy, it is parliamentary system and it is the legislative system which is functioning in this country. As far as the arguments are concerned, any number of arguments can be made. We made arguments with regard to U.P., M.P., Rajasthan and Himachal Pradesh Governments but they were dismissed. Sir, Himachal Pradesh is such a peaceful and sobre State where there was not even a single movement and no incident whatsoever. But, something happened somewhere and the Government was dismissed *...(Interruptions)...*

SHRI AHMED PATEL (Gujarat): That was justified by the people *...(Interruptions)*

SHRI M. VENKAIAH NAIDU: That is what I am saying. You justify it *...(Interruptions)...* That was justified by the people and then the people made *...(Interruptions)...* Why are you bothered about the Congress Party? *...(Interruptions)...* If you want to join Congress Party, you can join *...(Interruptions)...*

You are already joining ...*(Interruptions)*... You are already joining ...*(Interruptions)*... If you want to join the Congress group, you can join the Congress group. I have no problem. ...*(Interruptions)*... Your party has already taken a decision to join hands with the Congress Party ...*(Interruptions)*... You have classified Congress as II and the BJP as I. ...*(Interruptions)*... You have no problem that way. ...*(Interruptions)*... You have been in the habit of always coming to the rescue of the Congress Party ...*(Interruptions)*...

SHRI MD. SALIM (West Bengal): Do you mean to say that you are free to do whatever you like? Okay, do it. Everything is natural. But, what does this mean? ...*(Interruptions)*...

MR. CHAIRMAN: Mr. Naidu, you speak please ...*(Interruptions)*... You will get your chance ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Sir, I am surprised that when I attack the Congress my Communist friends get provoked. What is their connection? ...*(Interruptions)*... What is the hidden agenda? ...*(Interruptions)*... Yes, this is the hidden agenda. ...*(Interruptions)*... This is the hidden agenda ...*(Interruptions)*... The left and the Right, they come together, as and when ...*(Interruptions)*... That is the agenda ...*(Interruptions)*...

SHRI H. HANUMANTHAPPA: It is not a hidden agenda. It is an open agenda. Left is opposing the BJP, the Congress is opposing the BJP. For opposing the BJP we are one. What is wrong in it ...*(Interruptions)*... That is the democracy. There is no hidden agenda ...*(Interruptions)*... It is an open agenda ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Should I read out for the convenience of my friend, Shri Hanumanthappa, what the CPM had said about the Congress. It said, Congress is communal, corrupt ...*(Interruptions)*...

SHRI H. HANUMANTHAPPA: With all that we oppose the BJP. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: With all that! Thank you ...*(Interruptions)*... Thank you ...*(Interruptions)*... I am happy ...*(Interruptions)*...

SHRI KAPIL SIBAL: In the area of corruption you have certainly taken a lead over us within a very short period. You are far ahead ...*(Interruptions)*... You are far ahead of us. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: The Bofors, the securities scam, the urea scam, the sugar scam—Scam and scam, everywhere! One lakh crores of rupees have been looted. Who did it? Was it under the Vajpayee regime? It was under your regime ...*(Interruptions)*... Do not provoke me. The list is very big ...*(Interruptions)*... I can tell you, Sibalji. There has not been even a single scam under the Vajpayee Government ...*(Interruptions)*... Call anybody who can show even a single scam during these 120 days. ...*(Interruptions)*...

SHRI KHAN GUFRAN ZAHIDI: There must be some hidden scam ...*(Interruptions)*...

SHRI NILOTPAL BASU: Our only point is, since you demolished the Babri Masjid, you should not talk about the constitution ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: The Communists want to break the Constitution from within ...*(Interruptions)*...

SHRI NILOTPAL BASU: You had given an assurance before the Parliament....*(Interruptions)*... Violating the Constitution ...*(Interruptions)*... You pulled down the Babri Mosque... *(Interruptions)*...

MR. CHAIRMAN: Please ...*(Interruptions)*... Mr. Venkaiah Naidu. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Sir, I am addressing the Chair. I have never

mentioned their names. I have not even referred to them as my friend had referred to some scam, that is why, I thought of giving a list of scams. I know what to speak, how to speak. I heard speeches yesterday, when we were talking about Bangladeshi immigrants, being deported from Maharashtra ...*(Interruptions)*... The issue of Pokhran was discussed ...*(Interruptions)*... The issue of Pokhran was discussed, the issue of price-rise was discussed. ...*(Interruptions)*...

SHRI NILOTPAL BASU: But, many things have to be expunged from the proceedings of the House ...*(Interruptions)*...

MR. CHAIRMAN: Mr. Naidu, please complete this now...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Sir, Mr. Kapil Sibal was given one hour and two minutes, and I have spoken only for twelve minutes, out of which eight minutes have been taken by them....*(Interruptions)*

SHRI MD. SALIM: We have to give him 24 hours because what happened yesterday, he will talk today and what will happen today, he will talk tomorrow. He can ...*(Interruptions)* through writings. *(Interruptions)*.

SHRI M. VENKAIAH NAIDU: They want to forget yesterday because, yesterday they were attacking the Congress and today they are with the Congress. I want to remember yesterday, remember today and see tomorrow also. But those people, they have only yesterday in their history. There is no today or tomorrow. *(Interruption)*

SHRI JIBON ROY (West Bengal): We have joined to remove the communal forces. We have joined to remove...*(Interruption)* Do not talk about...*(Interruption)*

MR. CHAIRMAN: Mr. Venkaiah Naidu, please continue.*(Interruption)*

SHRI M. VENKAIAH NAIDU: Sir, he cannot make allegations against me. Who are the people, who joined such forces which are responsible for the partition of this country? The Muslim League, the Kerala Congress, the Majlis-Ittehade-Muslimeen, you are the people. You act like that. You encourage them; you are having alliance with them. It is not me. I have a nationalist party. I have a nationalist force. *(Interruption)*. You tell me...*(Interruption)*.

MR. CHAIRMAN: Shri Venkaiah Naidu, please continue.

SHRI M. VENKAIAH NAIDU: Article 164(1) says that the Chief Minister shall be appointed by the Governor. Here is a Chief Minister who was appointed by the Governor. The Chief Minister lost his confidence because the Governor was told by majority of the MLAs that the Chief Minister lost his majority. *(Interruption)*. But the Governor did not take a *suo motu* action. He referred the matter back to the Assembly. And the Assembly was not allowed to function in accordance with the Constitution. So, the Governor has got every right to invoke Article 174 and take appropriate action to protect the dignity, to protect the sanctity, to protect the constitutionality of the Institution. That being the case, Sir, the dignity is violated by the Speaker. When there is a no-confidence against him, how can anybody say he presided over the case?

There is another interesting information. The Speaker put the hearing of this representation by these MLAs to August 28th. The trial of strength was there this month and he postpones it to next month, August 28th, so that he can take advantage and disqualify these people and help the out-going ruling party in order to secure, procure, encourage defections. And then again get back the majority which they have lost. This is a *mala fide* action. *(Interruption)* This is a *mala fide* action of the Speaker of an Assembly. That being the case, the Governor is well within the right to interfere and also to invoke the provisions of the Constitution under

which he is asked to perform his responsibility. He was even referring to Article 174. It is very clear. Article 174, Clause (2) says that the Governor, from time to time can prorogue either House. Where is it written that the Governor should prorogue the House only on the advice of the Council of Ministers when there is no Council of Ministers existing legally? The Governor has got power—according to the Constitution, according to Aritcle 174(2) — to take recourse to this particular Article 174 (2). *(Interruption)* A Governor is a Governor. You and I cannot take action. *(Interruption)*. It is the Governor...*(Interruption)*.

SHRI TRILOKI NATH CHATURVEDI (Uttar Pradesh): You people are using the Governor as a puppet. *(Interruption)*

SHRI M. VENKAIAH NAIDU: A senior leader, Shri Manmohan Singhji, for whom I have great regard, was referring to the fact of appointment of a Governor. This country has got a history; we have seen who have been appointed as Governors. I need not take those names. It is not fair or proper to bring those names here. But, Shri Manmohan Singhji represents a party which has appointed many people who had been defeated, who had been defamed earlier as Governors. Where is the point now of questioning the appointment of a Governor? This gentleman who has been appointed as a Governor of Goa is a patriot. He is an honest person. He was the hero of India in the 1971 Bangladesh War. Such a great man. Such a great solider of the country who was ready to sacrifice his life. Such a person was made the Governor of Goa. What is wrong with that? I just cannot understand. You want only Romesh Bhandari. *(Interruptions)*

SHRI KAPIL SIBAL: It is not a question of sacrifice. It is a question of following the Constitution. *(Interruption)*

SHRI M. VENKAIAH NAIDU: You do not want him. You want only Gopal Singh. You do not want Jacob who was ready to sacrifice his life for the sake of the country. You want only such people. *(Interruptions)* I am appealing to him. I am appealing to the gentle conscience of Dr. Manmohan Singh, who is the leader of the Congress Party. He is not only the leader of the Congress Party; he has also got a standing in the country. Everybody respects him. Everbody respects what he says. One may agree with his philosophy. One may not agree with his philosophy. But I would request him to go back and see what the Congress Party had been doing all these years. My party will not follow the practice of the Congress Party. This Government did not follow the practice of the Congress Party.

Sir, I would like to make a mention about what happened in the State of Andhra Pradesh. I was, earlier, a Member of the State Legislative Assembly. Some of my friends say that I was only a Member of a Legislative Assembly; that I am of Assembly level. They say that it will take some time for me to learn all the tricks, to become better, to become mature. I have seen some of the tricks being used by some people here. I have not come up to that level, I do not want to go to that level. I wish I maintain my standards. I wish the standards of this House and the dignity of the House are protected. I have been seeing for the last few days what is happening. I do not want to make any comments on that.

Sir, I was referring to Andhra Pradesh. Shri Ram Lal was the Governor of Andhra Pradesh then. He dismissed the popularly elected Government. He dismissed the most popular Chief Minister of Andhra Pradesh, Shri N.T. Rama Rao, when he was still having the majority. One-hundred-sixty-four MLAs were with him. I was one of the witnesses, as an MLA. Along with some colleagues from the CPI, the CPI(M) and the Janata Dal, we went to meet the Governor. We were treated very shabbily. We were not allowed to enter the Raj Bhavan. We were

not allowed to ventilate our grievances. Subsequently, we were allowed. Here was an instance, Sir, where the person who was the Governor at that time ordered the arrest of the Chief Minister, Shri N.T. Rama Rao. He was still the Chief Minister. In front of me, the Governor shouted at the Director-General of Police and told him: 'You arrest him'. The Director-General of Police was hesitating. He was hesitating. But still they had to obey the order. All of us were bundled out. *(Interruptions)*

श्री सतीश प्रधान (महाराष्ट्र): आपने बहुत पाप किए हैं ....(व्यवधान)....

श्री खान गुफ़रान ज़ाहिदी: वहां के गवर्नर ने गलत किया तो हटा दिए गए ....(व्यवधान)....

SHRI M. VENKAIAH NAIDU: This is part of history. What can I do? *(Interruptions)*

SHRI MD. SALIM: Some of your allies, belonging to the regional parties, will not support the way you are defending the role of the Governor. Even your friends in Andhra Pradesh will not endorse the way you are using the Governor's Office. *(Interruptions)*

SHRI JOHN F. FERNANDES (Goa): Sir, the conduct and role of the Governor cannot be debated in the House. I would request you *(Interruptions)*

श्री रामदास अग्रवाल: सही बात आ गयी आपके दिमाग में ....(व्यवधान)....

MR. CHAIRMAN: Please. *(Interruptions)* Please sit down. *(Interruptions)* If I had accepted the point of order, this debate will become infructuous. The speech of Mr. Kapil Sibal will become infructuous. Please do not raise this point. *(Interruptions)*

श्री ओंकार सिंह लखावत (राजस्थान): ये गोआ से हैं इनकी तो बात मान लीजिए। कांग्रेस के हैं। इनकी बात मान लीजिए कि गवर्नर के ऊपर चर्चा न करें ....(व्यवधान)....

SHRI JOHN F. FERNANDES: Sir, it is not related to the issue; what he has said. It is irrelevant. *(Interruptions)*

SHRI M. VENKAIAH NAIDU: Sir, I would submit to you, respectfully. Personally, I did not want to take the name of Mr. Ram Lal. I was encouraged by some of my senior friends who took the name of Mr. Ram Lal. I did not want to take his name. I would request my friends to kindly hear the speeches from both sides. Some of them are having the problem of one-side hearing. That is the problem.

As I was saying, we were all bundled out. We were sent out of the Raj Bhavan. We were arrested. Then we went back. It took me and our people one month, one full month. For full one month, we took refuge in Delhi, in Mysore, etc. We were going round. There was no security in the regime of ...*(Interruptions)* I am coming to that.

Sir, when 163 MLAs sought an appointment with the President of India who is the highest constitutional authority in the land, to meet him, to present our case to him and to apprise him of the situation, so many hurdles were created by the same Government. The trains were stopped. The people were attacked at every place. First of all, there was pressure brought not go give an appointment also. But the then hon. President, Shri Zail Singhji, was kind enough to give an audience, and 163 Members were presented before the President. There was an embarrassing situation for the Government because the President himself had received 163 MLAs of different parties which were supporting the popular Chief Minister. Then the Government had to go. It was not your action. It was the public reaction. It was the popular protest.

SHRI MD. SALIM: Now you go.

SHRI M. VENKAIAH NAIDU: Not we, but they have to go now. This is the history.

SHRI JIBON ROY: You are repeating it.

SHRI M. VENKAIAH NAIDU: We are not repeating it. *(Interruptions)*

श्री रामदास अग्रवाल: कांग्रेस के लोग बड़ी शांति से सुन रहे हैं। ....(व्यवधान)....

SHRI NILOTPAL BASU: We were proud to be present there, and we are proud to oppose you here. *(Interruptions)*

SHRI M. VENKAIAH NAIDU: We are very happy that you are not with us and that you are with them. We are very happy about it. You are in a proper company. *(Interruptions)*

SHRI MD. SALIM: One question is: if you are doing the same thing, if you repeat the same actions what the Congress Party has done or what misdeeds the Congress Party has done, what is the use of this change? That is an important question.

SHRI M. VENKAIAH NAIDU: That cannot be questioned.

SHRI MD. SALIM: You are doing the same thing. You are a party with a difference! *(Interruptions)*

MR. CHAIRMAN: Please let him complete. *(Interruptions)*

SHRI M. VENKAIAH NAIDU: Sir, this is at page 86 of the Constitution. The same point was made by my friend from the Congress Party. Here is article 174(2). Where is it written that the House cannot be prorogued by the Governor? We would like to be enlightened on this. He is a very-very experienced, legal luminary. He can enlighten the House where it is written that the Governor has no right to prorogue the House when there is no constitutionally elected Governor present.

SHRI KAPIL SIBAL: Sir, He has asked me to enlighten the House. I would like to enlighten the House.

SHRI TRILOKI NATH CHATURVEDI: You can do it later on.

SHRI M. VENKAIAH NAIDU: No problem.

SHRI TRILOKI NATH CHATURVEDI: Let him speak now. *(Interruptions)*

MR. CHAIRMAN: No, no. Somebody will speak from your side. You can ask him. *(Interruptions)*

SHRI TRILOKI NATH CHATURVEDI: He is not yielding.

MR. CHAIRMAN: Let us not have cross-talk.

SHRI MD. SALIM: Mr. Naidu, have you changed your position?

SHRI M. VENKAIAH NAIDU: I have not changed my position. I am not that much progressive to change my position so frequently. ....*(Interruptions)*....

Sir, today, as the Council of States, we are discussing about a matter that has occurred in a State of the Union of India. Normally, we do not want to question the proceedings of the Legislative Assembly or the action of the Speaker or that of the Deputy Speaker because the House there is also supreme. But, here is a situation where the Governor was dragged into the controversy. The Chief Minister's name was also dragged into it. The Speaker was also dragged into it. The Deputy Spekaer was also dragged into it. So, the House has got every right to discuss the conduct of these dignitaries who are holding one constitutional positoin or the other. So, this House should also take notice of the action taken by the Speaker. Particularly after the Governor gave a directive to prove the majority on the floor of the House, no other business should take place except that. But the Speaker, acting the most unconstitutional way, in a brazen manner, just to support his political masters, resorted to dismissing them and throwing them out. The main issue in Goa today is that the ruling party there has lost its majority. It is very clear. They have formed a separate party and have claimed recognition. Suppose the matter is pending before the Speaker. He takes action, suspends and disqualifies persons and sends some people out. Then he asks to conduct a trial of strength. Can you call it a democracy? Let us assume tomorrow there is a trial of strength in this House

or in the other House. The person who happens to be the Presiding Officer at that time—I know the Chairman will never do that —sends out 10 or 20 Members, takes a voting and then declares that the motion is carried, can it be called a democracy? This is the crux of the problem. This is the situation there today. When it gets cleared tomorrow, you will know who is having what sort of strnegth and who is responsible. So, there is no question of somebody trying to murder democracy. First of all, the earlier Government came to power by manipulation. They did not have the mandate. They were only 18 Members. They split the other party. If the same thing happens to them, they raise a hue and cry and say you are doing this and that. In that first instance they did it by breaking the Maharashtrawadi Gomantak Party. There was no protest from your side at that. It was done with your express singal. When the same thing happens to your party and the partymen were kind enough to you to take the name of Rajiv Gandhi, you get agitated. You behave as if heaven has fallen on the earth. You feel democracy has been murdered. Is it the way that your party, which has governed the country for all these years should behave. The party which has invoked Article 356 a number of times; a party which has used and misused the office of Governor all these years! You have dismissed so many popularly-elected Governments. Now you are raising this issue and shedding tears for the just gone-out Goa Gomantak Party. You don't have a case. you have lost the case in Goa. You have lost the case here also. Any number of arguments and quotations will not suffice, because democracy is a game of numbers. When Shri Vajpayee was the Prime Minister and he could not prove his majority, he honourably went to the President and resigned. Your Chief Minister in Goa did not do that. On the other hand he encouraged defections. The Chief Minister, who was not functioning in a proper manner and was not liked by his own M.L.As, had to go. I cannot be blamed for that. So, please try to understand what happened in Goa. I request you not to take this any further, because it will expose you more and more. It is an internal conflict of your own party there. The Governor was well within his right and there is no question of my defending him. He has got the Constitutional protection. I need not defend him. He has taken the action within the Constitution and I need not go on explaining further. I will now sum up, because I have already taken half of the time of my party. My submission is that there is no violation of the Constitution. In fact, the people were feeling uneasy because the Constitutional machinery had not been set in motion for taking a proper action. They were uneasy because the Chief Minister was trying to put pressure, was trying to bully, was tyring to influence M.L.As. to come back. He was threatening them of dire consequences. So, it was the duty of the Constitutional head there to give them protection. Nobody wants Gujarat to be repeated there.

डा० (श्रीमती) उर्मिला चिमनभाई पटेल: गुजरात के साथ क्यों कम्पेअर कर रहे हैं, आप अपनी बात कीजिए उस समय भी आप नहीं संभाल पाए, अब भी नहीं संभाल पाओगे। वहां 40 मेंबर्स ने साइन कर के लिखकर दिया है लीडरशिप बदल दीजिए। यह गुजरात का हाल है। दूसरी दफा भी नहीं संभाल पा रहे है।

SHRI TRILOKI NATH CHATURVEDI: He is referring to Gujarat before Emergency. *(Interruptions)*

MR. CHAIRMAN: Mr. Venkaiah Naidu, only please.

SHRI M. VENKAIAH NAIDU: For what you did in Uttar Pradesh, you were washed out. For what you did in Gujarat, you were washed out...*(Interruptions)*...

हां, क्या? जितेन्द्र जी बैठे हैं आपके बगल में, पूछिए उनसे।

Let us see. How were we patient? We have waited for 45 years. You are not ready to wait even for 120 days.

..*(Interruptions)*... We have waited for 45 years. Our leaders were appointed only after 45 years. we were never impatient. We have patience. If people reject us, we will sit in the Opposition. But you are not ready to accept the people's mandate. You did it in Gujarat, you were washed out. Those people whom you have encouraged from my party, they were also washed out. Their names you have quoted, but I do not want to take their names in this august House. That gentleman and that party were washed out. ..*(Interruptions)*...

डा० (श्रीमती) उर्मिला चिमनभाई पटेल: वह भी बता दीजिए आप। .....(व्यवधान)....

SHRI M. VENKAIAH NAIDU: Madam, I am not ashamed. Madam, I have got respect for you. If you want to say something, I am ready to oblige you. I will yield to you. I will hear you also. You are an elderly lady. I don't want to join the issue with you. I am referring to the State. When I talk something, please try to understand. I am not talking anything about ingenuous. ..*(Interruptions)*...

AN HON. MEMBER: You have been courteous to her, you be courteous to Dr. Biplab Dasgupta also. ....*(Interruptions)*...

MR. CHAIRMAN: When your turn comes, then, you speak. Please wait. ..*(Interruptions)*..

SHRI M. VENKAIAH NAIDU: Today, what has happened to the person who did this in Gujarat? It is not necessary for me to say that he has been thrown to the dustbin by the people. That is a matter for the people. One has to go by the spirit. The mandate can be changed, but the spirit has to be understood. Otherwise, the same thing will be repeated.

The other day our Government has gone in Meghalaya. We were supporting that Government. Now it has gone. We are sitting in the Opposition. At that time you were sitting in the Opposition. Now you became a partner in the Government. I did not make a hue and cry. ..*(Interruptions)*.. Just four days back there was a BJP coalition Government and suddenly, the second day the board has been changed. Now it is a Congress coalition Government. That is what is happening in this country. When this has happened in Meghalaya, I did not make a hue and cry. I do not want to take this issue here because it is a question of majority of Members switching sides. You cannot help it. It is a big malady affecting this country. These defections, this big malady were started by you. These defections are banned in retail, but defections are allowed in wholesale. That is the situation for which we are all responsible.

SHRI JANARDHANA POOJARY (Karnataka): Who has started?

SHRI M. VENKAIAH NAIDU: That is what I am asking. You have raised a relevant question as to who has started this. From 1967 onwards this has been going on. Let us go to the history, who has started this? Who has created this game? Who has encouraged this? Not by me. So, it is you. My request to the Congress party and to the senior leaders is ..*(Interruptions)*.. We are not doing it. Had we done it, you would have been reduced to sizes. ..*(Interruptions)*...

SHRI SURESH PACHOURI: Now your time is over.

SHRI M. VENKAIAH NAIDU: Okay, I will go by your advice.

श्री खान गुफ़रान ज़ाहिदी:, सब बदल जाएगा।

श्री एम० वेंकैया नायडु: बदलना पड़ेगा। बदलना ही समाज की एक प्रवृत्ति है। ...(व्यवधान)...

MR. CHAIRMAN: Let him speak. ..*(Interruptions)*..

SHRI M. VENKAIAH NAIDU: Today what happened in Goa has happened within Goa. The Centre is in no way involved. There is no action from here. This action was taken by the Governor as per his powers under the Constitution. He is well within his rights

under the Constitution to perform his Constitutional responsiblity. Let us appreciate him. Let us congratulate him. Let us not make this a political issue. You go back to the people, win over majority and come back. Thank you.

DR. BIPLAB DASGUPTA (West Bengal): Mr. Chairman, Sir, on behalf of my party, I strongly condemn this brutal, ruthless and pre-meditative act by a party which has no interest in democracy. I must also say that this party is completely reckless because it took this action when the Parliament was in session. They knew that whenever such an action was taken, it is going to be discussed in Parliament. They also knew that a majority of the Members in the Rajya Sabha would not approve this decision. Still they brought it, took that decision, because they do not care about parliament, they do not care about the feelings which are there in the Rajya Sabha which makes them very reckless. I would also say that, in this House, I think a month or two ago, we put a question to the Prime minister, Vajpayeeji, on the issue of using Article 356 in respect of Tamil Nadu. Vajpayeeji gave a categorical assurance that his Government would never apply Article 356 and his Government believed in testing the majority on the floor of the legislature. *(Interruptions)*. I am coming to that. It is true that Article 356 has not been applied now. They have found a short-cut in Article 174. But the effect is the same. If you go through the report of the Sarkaria Commission, it clearly lays down what should be done to determine the majority or otherwise of a party in the legislature. That test was not undertaken. There was no voting taken. The decision was taken by the Governor. That is the crux of the matter. A decision has been taken which has not been in conformity with the promise given by the Prime Minister in this House. I can say very categorically that it does not matter whether it is Article 356 or Article 174 because this has been going on. One of the allies of the party which is now in power once made a very important statement about the party in power. It has said that the BJP suffers from selective amnesia. I think it is a very important statement made by an ally. I can see this syndrome of selective amnesia. While they talk about Goa, they never mention U.P. They do not mention Uttar Pradesh. When they talk of the Communist party, they do not talk about what they themselves do in other States. This is the way they are functioning. If you look at what happened in Uttar Pradesh, a decision was taken rightly or wrongly by the Governor.

SHRI RAMDAS AGARWAL: Rightly or wrongly.

DR. BIPLAB DASGUPTA: I am saying that. Please don't be impatient. When the decision was taken, the matter went to the President of India. He requested the Government not to proceed and the Government did not proceed. The Government had the power, constitutional power, not the moral power, not the legal power, but the constitutional power, not the moral power, not the legal power, but the constitutional power, to refer it again back to the President. The President then would have to accept that. But because the request was from the President of India, in deference to the President, they immediately accepted it. They promulgation was not made. Please remember this. But this time, they did not want to take the risk of sending it to the President of India because they knew that if the matter went to the President of India, he was going to turn it down. For that reason, it was not referred to the President of India. So, you did not take the route of Article 356. You took the route of Article 174. You wanted to avoid any indictment from the President of India because you did not dare do something which would cause public outrage. If you ignore the advice of the President of the country, that would be the position. I also remember what happened in U.P. A number of important and leading members of the BJP said that they would go for a 'dharna', they would go for a 'satyagraha' unless the decision

was changed or reversed. Exactly the same decision has been taken in the case of Goa. But still, I do not see any problem for them with scruples or morals. They are quite happy to defend the action in Goa, but quite unhappy with what happened in U.P.

Sir, I have been worried about the whole thing. I have been worried because a number of very important constitutional issues have been raised. One major issue, obviously, is the question of defection. My party has a very clear stand on this issue. That is, for anyone who has been elected on the basis of the support of a political party, if he changes his political affiliation, the first thing to do will be to resign from his position and contest again. Whatever may be the reason. It is quite possible that he is right. I is possible that the party he was being supported by was wrong. It was possible that a moral question was involved and the person decided to leave the party. I don't say that he was wrong in leaving the party as such. It is quite possible that people might decide to leave the party on moral grounds or ethical grounds or some other grounds. But once you are elected to the State Legislature or Parliament on the basis of a support from a party and then you decide to dissociate yourself from that party, the minimum you should do in that event is to resign from the position and inform the people frankly, "Yes, I had been elected on the basis of the support you gave me. I was your nominee. Now, I no longer belong to you. I have changed the party affiliation. I am going to the people for ratification of my decision. I am contesting again." If that is done, this menance would be reduced to a great extent. If this principle had been implemented by all the parties—I am not saying what the Congress party has done, what the BJP has done—then this meance of defection would have been stopped. Since the menace of defection continues, the hourse trading continues. I am sorry to say that when Shri H.D. Deve Gowda had resigned, there was an attempt by the BJP to form a Government. I remember that at that time they were approaching the MPs belonging to the Congress party. Not only do I remember but there was a report that they were approaching the Congress party Members. Every day, when I used to come to the Central Hall at that point of time, I used to enquire as to what the price on that day was Somebody would say:" It was Rs. 50 lakhs, 60 lakhs, 70 lakhs or one crore. The price was going up with the rate of inflation. But after giving all the allurements, when they could not get the majority, Advani Ji had stated openly that the BJP needed a certain number of Congress MPs to defect—52 or so. I had managed up to 42. I could not get the required number. What a shameless statement by a leader of their party. *(Interruptions)* They were trying to purchase their friends and had made a shameless statement. *(Interruptions)*

PROF. VIJAY KUMAR MALHOTRA: He had never said it. This is wrong. *(Interruptions)*

श्री रामदास अग्रवाल: अभी तो आप सेंट्रल हॉल की बात कर रहे थे ... (व्यवधान)

The Deputy Chairman in the Chair

उपसभापति: अग्रवाल जी, कृपया बैठ जाइए ... (व्यवधान)

DR. BIPLAB DASGUPTA: Madam, that is the first question. You cannot have a party system in our country, you cannot have a Parliamentary system functioning in our country if the Members concerned do not have any kind of loyalty to the party. If you want to have a family, you have to be loyal to your wife, you have to be loyal to your children. If you want to become a member of a club, there has to be some loyalty to the membership of the club. Even as a party, you must have some loyalty to the programmes of the party, to the ideology of the party ... *(Interruptions)*

THE DEPUTY CHAIRMAN: Mr. Biplab Dasgupta, look at the Chair, Don't look at anybody else. You are supposed to address the Chair.

DR. BIPLAB DASGUPTA: I am not looking at them, Madam. What I am saying is this that anybody can go from anywhere to anywhere. This is the kind of situation which has been created. Horse-trading goes on in Parliament; it goes on at the Assembly level, which is the unfortunate truth. All of us together can stop this menace. But unfortunately, the parties when they are in power, they try to make use of the horse-trading to come to power whenever they find an opportunity. This menace has to be stopped once and for all.

The second question is about the role of the governor. I agree with you that in the past, the Congress Party had done many things which were wrong. They had applied article 356 indiscriminately. This had happened in the case of West Bengal. It had happened in many other States and the Congress Party was punished. They had resorted to the use of article 356 of the Constitution in West Bengal. They had tried to remove the United Front Government in 1967. But the United Front had come back with a bigger majority. In 1969-70, the United Front had come back with a bigger majority. Mr. Venkaiah Naidu has mentioned about Rama Rao. When the State Government, headed by Shri Rama Rao was dismissed by the Governor, at that time I was in Hyderabad, attending a seminar. I remember that it is the same thing that has happened. I asked them, "What is the price?" They said, "The price is 5 lakhs, 13 lakhs, 15 lakhs. It is going up." Eventually they said, "The prices have collapsed." Why? ... *(Interruptions)* ... They had collapsed because now the people were beating them up. So, they are afraid of asking any price because they had been beaten mercilessly by the people on the streets. They are not asking for any price now. Then Rama Rao came back. I was in a meeting. When Rama Rao came back, there was jubilation in the streets. You should learn from their experience. What you have done, since Mr. Naidu has mentioned this, exactly the same thing will have to happen with you because what is being done is unjust and improper and the people of India will not forgive you. What is there in the Sarkaria Commission about the Governor? A Governor should not be a political appointee. He should not be an RSS man or a CPI (Marxist) man for that ... *(Interruptions)* ... He should not be a BJP man.

SHRI TRILOKI NATH CHATURVEDI: A Marxist man is all right!

DR. BIPLAB DASGUPTA: No, no; he should not be; I told you. A Governor should be someone of high esteem in public he could be an academic or a professor, he could be a lawyer or an artist. He could be someone with distinctions, not someone who has been all his life in the RSS or in the BJP and is put as a Governor to play that dirty role. We have had the experience of the Governors playing the dirty role all over the country. The BJP Members, when they were in the Opposition, criticised the Congress Party in appointing Governors who were appointed to play the dirty role. Now the same BJP....*(Interruptions)*....

THE DEPUTY CHAIRMAN: Dr. Biplab Babu, please finish it.

DR. BIPLAB DASGUPTA: I am finishing it, Madam, I will take a few minutes. Mr. Venkaiah Naidu took more than 30 minutes. Now you should agree to it.

THE DEPUTY CHAIRMAN: I am implementing the time now.

DR. BIPLAB DASGUPTA: The BJP should take a position on this. They cannot have a Governor who is a party man, a Governor who has been sent to a State to serve a political purpose. And he served it! This is the unfortunate way the institution of Governors has been used. Same is the case with the Speaker. I talked about selective amnesia. Whatever the Speaker in Goa has done, I am not going into it, but what the Speaker in U.P. did....*(Interruptions)*....There was a clear case...*(Interruptions)*....

SHRI TRILOKI NATH CHATURVEDI: Mr. Dasgupta, this is selective amnesia!...(*Interruptions*)....

THE DEPUTY CHAIRMAN: Biplab Babu, just a minute. I think we are discussing a very serious matter as a Council of States. It is also our responsibility to see that the democracy in the State remains, whether it is Goa or Punjab or U.P. or Gujarat or any other State. Can we not discuss it without interruptions? Then we will have some meaningful debate, and I am sure Sikander Bakht Saheb who is sitting here will take notes so that he is able to write it down and give it to the Home Minister when he replies. Or, are you replying, Sikander Bakht Saheb?

SHRI SIKANDER BAKHT: No, Madam.

THE DEPUTY CHAIRMAN: There is so much confusion. ...(*Interruptions*)....

SHRI JOHN F. FERNANDES: The Minister should have been there.

The Lok Sabha is adjourned.

THE DEPUTY CHAIRMAN: Is Lok Sabha adjourned?

SHRI JOHN F. FERNANDES: Yes.

THE DEPUTY CHAIRMAN: उनको बुलवा लीजिए। We should know what has happened there.

SHRI TRILOKI NATH CHATURVEDI: We should not bother about what happened in the other House.

SHRI JOHN F. FERNANDES: Madam, we want a reply on this matter. Let the Home Minister be summoned.

THE DEPUTY CHAIRMAN: Let us be serious about it. It happened in the morning in the Chairman's Chamber. ...(*Interruptions*)....Just one second. Mr. Malhotra was there, Sikander Bakhtji was there; the Home Minister was in the Lok Sabha. Now if the Lok Sabha is not sitting or if it is adjourned, he should come here because he will have to finally answer. So, it is much better if he knows what is happening.

SHRI SIKANDER BAKHT: Madam, I will be glad to have this information, that Lok Sabha is adjourned, from the Chair. I don't know.

THE DEPUTY CHAIRMAN: I don't know, Sir. I am not supposed to be giving information. It was given to me.

SHRI SIKANDER BAKHT: I can understand that. I don't know whether the Lok Sabha is adjourned or not.

THE DEPUTY CHAIRMAN: It is the responsibility of the Parliamentary Affairs Minister to communicate between the two Houses. It is not the responsibility of the Chair to inform the House. In the House some Member mentioned this. So, I have conveyed it.

SHRI PRANAB MUKHERJEE: Madam, just one point. This is a practice and definitely the Government can ascertain whether the Lok Sabha has been adjourned or not and we can be kept informed. This is the point, as I understand. It has a relevance because we agreed that the Home Minister would be busy in that House; naturally, somebody else...(*Interruptions*)....

SHRI SIKANDER BAKHT: All right. We are getting it confirmed. ...(*Interruptions*)....

SHRI PRANAB MUKHERJEE: What is it?

THE DEPUTY CHAIRMAN: They are getting it confirmed.

SHRI PRANAB MUKHERJEE: Let him confirm. ...(*Interruptions*)....It is for you to decide. Why should I have to remind you? This is your job.

SHRI JOHN F. FERNANDES: None of the Parliamentary Affairs Ministers is there. They are never seen in the House. (*Interruptions*)....

THE DEPUTY CHAIRMAN: I think we should have a Parliamentary Affairs Minister from our House. (*Interruptions*)....

SHRI PRANAB MUKHERJEE: We should appoint one Parliamentary Affairs Minister from that side. (*Interruptions*)....

THE DEPUTY CHAIRMAN: If nobody does, the House will elect one. (*Interruptions*)....

DR. BIPLAB DASGUPTA: Madam, there is a consensus on this point on this side of the House, that is, Mr. Vijay Kumar Malhotra should be made the Parliamentary Affairs Minister. All of us agree. (*Interruptions*)....

THE DEPUTY CHAIRMAN: Agreed.

DR. BIPLAB DASGUPTA: But unfortunately he is not here at the moment. (*Interruptions*)....

THE DEPUTY CHAIRMAN: Now you cannot complain, Agarwalji. Mr. Biplab Dasgupta is so kind to say that he is going to propose the name of Mr. V.K. Malhotra to be the Parliamentary Affairs Minister in charge of the Rajya Sabha alone. You should be happy about it. (*Interruptions*)....Now, have you completed?

DR. BIPLAB DASGUPTA: No, Madam. I may be allowed one or two minutes. I don't have much to say. The point which I was making is this. What happened in Goa is not a simple thing in relation to a small State. The implications of Goa are much more serious than what has been stated by the other side. The implications of Goa shake the foundations of democracy because it raises very important issues regarding what I have stated earlier, regarding the party system, regarding the role of the Governor who is playing a partisan role. We have been victims of that in West Bengal. It also raises a question about the role of the Speaker. Obviously it is true and I agree that the Speakers are playing politics in various States. If you look at the experience, you will find that they manipulated things in favour of one side or the other. If you say that it has been manipulated in Goa, it had been manipulated in Uttar Pradesh also. So, there has to be a consensus among the political parties to ensure that the office of the Speaker is not abused, that the office of the Speaker is given the respect which it deserves and that there should not be any use of the office of the Speaker to frustrate the objectives of the anti-defection law. That is what has been done. It had been done in Uttar Pradesh. I would like to know from the other side of the House what their position is on this point. I don't know what happened in Goa. I will go into it in detail. The point is that, at least, we know clearly what happened in Uttar Pradesh. In Uttar Pradesh there was a party from which defection took place. But the question was what the quantum of that defection was, how long the defection continued and what the sequence of the defection was. Was it on a particular day or during a particular period or every day, three or four or five, till you got the number and you declared that the defection was larger? This is the way. Sometimes, you disqualify some Members on some excuse. This is the way the office of the Speaker is used. I am sorry to say that it is not a question of Goa alone. We don't want this to happen either in Tamil Nadu or in West Bengal or in Uttar Pradesh or in Bihar or in any State. There should be certain principles or certain morals which should be followed by all the parties. A consensus must be evolved on this.

Lastly, Madam, I am very happy to note that Mr. Venkaiah Naidu—he is not here at this moment—reads our party literature and he distinctly remembers what our documents say about the Congress party. But he doesn't refer to what we say about his party. (*Interruptions*)....

SHRI TRILOKI NATH CHATURVEDI: We have known that all along. (*Interruptions*)....

DR. BIPLAB DASGUPTA: You please tell us. I will sit. I am yielding.

SHRI TRILOKI NATH CHATURVEDI: We are your enemy number one.

DR. BIPLAB DASGUPTA: That is all! For us it is not only that you are our enemy number one but you are the poison also, the poison which is polluting the body politic of India. You want to destroy India from within and from without and you want to do everything possible to ensure that people of India do not live happily and that there is no prosperous morrow in India. You want to take India to the Middle Ages and you are a party which should be treated by the entire country as a party of untouchables, in the sense that we should not touch it. I am sure many of your allies will disagree with you on this decision.I suggest that they should invite all their allies and hold a meeting of the Coordination Committee. Madam, then we will find out whether they approve this decision or not. I would like to urge upon the Government that they should not allow this thing to happen. Please withdraw this Governor. He is unfit. This man is unfit to govern anywhere. He should not be even a Governor of a nursery class. He should not be a Governor of any State.... *(Interruptions.)*

DR. L.M. SINGHVI (Rajasthan): Madam, I am on a point of order. I don't think these words are appropriate for the holder of a constitutional office who cannot defend himself in this House. *(Interruptions).*

DR. BIPLAB DASGUPTA: Why not? That is my opinion. *(Interruptions).*

DR. L.M. SINGHVI: The forum of this House cannot be used for such extreme expressions. *(Interruptions).*

SHRI H. HANUMANTHAPPA: Madam, the Chairman has already given the ruling.*(Interruptions).*

DR. BIPLAB DASGUPTA: Madam, I don't want to continue.....*(Interruptions).*

I fully endorse.....*(Interruptions).*

THE DEPUTY CHAIRMAN: It is not that. If we discuss about personal character of any high office, it is not permitted. But when he is performing his duties as a person in charge—a Governor is also like a Vice-Chancellor of a university—if something goes wrong, we will have to mention about him. In that context the hon. Chairman permitted it. In this House many times, many people demanded that such and such Governor should be withdrawn.

DR. L.M. SINGHVI: Madam, my objection is not to the subject-matter of the discussion. My objection is to the words 'he is an unfit person to hold office anywhere.' Such expressions should not be permitted.

SHRI PRANAB MUKHERJEE: Madam, Dr. Singhvi is a great lawyer and jurist. Madam, we had discussed the conduct of a Governor in his official capacity on 19.11.1970. A substantive motion was moved in the House disapproving the conduct of a Governor of a State in handling a constitutional problem of that State. The operative part of the motion was "For recalling the Governor". This is the point. *(Interruptions).*

THE DEPUTY CHAIRMAN: Let him finish. I will allow you.

SHRI PRANAB MUKHERJEE: Madam, this is the point which I raised in the morning and it was denied to us. It was for the Chair to decide. When Dr. Manmohan Singh moved a motion under Rule 168, it was changed by the Chair not on our volition. We moved that motion because under Rule 168 the House can decide and can express its opinion. If we cannot express our opinion and decide under a substantive motion, it does not mean that it will prevent us from discussing the conduct of a Governor and come to a judgement whether he is fit or not. While in office he is not an individual. If the Governor concerned has acted in his official capacity, in that case the Members are fully entitled to come to a conclusion and air their opinion whether he is fit or unfit because we discussed it on 19.11.1970 in the other House.

DR. L.M. SINGHVI: Madam, what was discussed at that time was a substantive motion. What was discussed on an earlier occasion might have been a substantive motion. This is not a substantive motion. My learned friend has accepted the fact that a substantive motion has not been admitted. He cannot, therefore, come around. The discussion is under Rules 176 and 177, not under Rule 168.*(Interruptions)*.

THE DEPUTY CHAIRMAN: Let me hear him because I will have to answer him. Let me hear him. I will allow you.

DR. L.M. SINGHVI: The discussion is under Rules 176 and 178, not under Rule 168, as mentioned by my learned friend.

1.00 P.M.

He is right that if a substantive motion was moved, that would be a different situtation. This is not a substantive motion, as admitted by the Chairman. If it is not so admitted, then we cannot be, by circumventing the rules, still be doing what could have been done under Rule 168. This is the whole point. My learned friend is right in saying that if it was a substantive motion, then it was a different thing. I am only saying that under Rules 176 and 177, it is not appropriate to come to that conclusion. Secondly, I am saying that the action of the Governor may be considered in depth; it is a constitutional matter and we are all concerned with it. But while considering the action of the Governor, if someone said that he was unfit to hold the office of the Governor any where and cast personal reflections, it would not be appropriate.

SHRI GURUDAS DAS GUPTA: Madam, let me make a submission. The point is, we have been discussing the dismissal of the Government of Goa. In the opinion of the majority of the Members of the House, the action that has been taken by the Governor is against the basic principles of democracy. How can the dismissal of the Government of Goa be discussed without discussing the behaviour of the Governor? Madam, I have a second point. Since the Constitution has been violated, since there has been a perversion of democracy and democratic principles—according to my perception, of course—there is a demand and we are within our right to demand the recall of the Governor. And this is quite independent of the position whether there is a substantive motion or there is a general discussion. Since the Members are obliged to give their views while taking part in the discussion, freedom is there for everyone and freedom of expression cannot be throttled by referrring to certain procedures which, in my opinion, do not apply in this case because the hon. Chairman, in the morning, after Mr. Mukherjee made his submission and after I made my submission, said that the conduct of the Governor could be discussed. If the conduct of the Governor can be discussed, he can be criticised and the demand for the recall can be made. And there can be no question of our going back on that.

THE DEPUTY CHAIRMAN: The only difference between the two rules is that for Rule 178, there has to be voting. This particular discussion which is taking place in the House it under Short Duration Discussion as was permitted by the Chairman. The rule says. "Any Member desirous of raising discussion on a matter of urgent public importance may give notice in writing to the Secretary-General specifying clearly and precisely the matter to be raised; provided that the notice shall be accompanied by an explanatory note stating reasons for raising discussion on the matter in question." Also there should be two other signatures. There are many signatures on it. And the Chairman, in his wisdom, has accepted it. Now when a matter is being discussed, it has to be fully discussed because a particular section of the House has a grievance on, the happeining in the State of Goa. The only difference, Mr. Singhvi, is that if it was under Rule 168, at the end of the discussion there would have been voting on it. This is the only difference in this.

DR. L. M. SINGHVI: Madam, may I make a submission? Even Rule 169 does not allow this. What has been allowed is discussion under Rule 177 and there will be no voting. The general rule of this House is not to make imputations, draw inferences, make ironical expressions or to make defamatory statements about any individual. Now this is the rule which guides even the Rules 168 and 169. Rule 168 is with regard to a substantive motion and even with regard to a substantive motion, as it says, "It shall not contain agruments, inferences, ironical statements, imputations or defamatory statements." All I am saying is that for a better debate, for a better understanding in the debate, individual imputations, ironical references ought to be avoided, particularly when we are considering the actions, which it is legitimate for us to consider, of a person, not his personal conduct. It is his action in the official capacity and those actions can be considered saying that the action is wrong. It is possible for any Member to say that this action is wrong. But it is not appropriate to say that he is such a person that he cannot hold office anywhere, as if there is an allegation of moral turpitude. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: No question of moral turpitude. It is absolutely wrong. What the hon. Member is saying is absolutely wrong. *(Interruptions)*

DR. L. M. SINGHVI: I have not yielded. Just a minute.

SHRI GURUDAS DAS GUPTA: You don't want us to discuss this.

DR. L. M. SINGHVI: I have only said that it is appropriate to observe some rules of restraint, which is the soul of these rules, which is the soul of parliamentary proceedings.

SHRI PRANAB MUKHERJEE: Madam, Rule 169 talks about conditionalities of admission of a motion. When the Chairman gets notice for a motion, he will have to apply these conditionalities to see whether the motion should be admitted or not, looking at the text and the language of the motion itself. This is the thing we have been doing for the last quarter of a century, almost every day. All of us are fully aware of these rules. The motion has been admitted and the hon. Chairman has not only admitted the motion of Dr. Singh, but the modality of the motion has also been changed by the Chair and the Chairman has said that instead of Rule 168, it will be discussed under Rule 176. Therefore that stage is absolutely over. So, whatever the conditionalities may be, the Chairman has taken note of it, he has admitted the motion and we are having a discussion on it. One hon. Member made an expression. He gave his own assessment. Some Members may agree and some other Members may not agree. If we consider that a constitutional responsibility has not been discharged properly by the holder of that constitutional office and if we come to the conclusion that he should not hold a constitutional office, what is wrong in it and how can it be a personal reflection? I don't understand. I have a very poor understanding. But he is not discussing the conduct of the individual. He is discussing the conduct of the Governor and the Governor while discharging his constitutional responsibility, according to his asessment, has failed to discharge his constitutional responsibility properly and, therefore, if he recommends that the man could not hold that constitutional office anywhere, what great wrong has he committed? I don't understand this.

DR. L. M. SINGHVI: I think I made the point, Madam, and I do not wish to press it further except to say that everyone is expected to use restrained language. That is all that I said. *(Interruptions)*

THE DEPUTY CHAIRMAN: No, I don't ... *(Interruptions)* Just one second. *(Interruptions)* Please. One second. *(Interruptions)*

SHRI GURUDAS DASGUPTA: No. It is unfortunate. The comment that has been made is unfortunate. *(Interruptions)*

THE DEPUTY CHAIRMAN: Gurudas Dasji, just one second.

SHRI GURUDAS DASGUPTA: The comment that the hon. Member has made is unfortunate. *(Interruptions)* It is nobody's prerogative to give that advice to anybody. *(Interruptions)* We need nobody's advice.

SHRI TRILOKI NATH CHATURVEDI: What is this? You yourself keep on giving advice. Dr. Biplab Dasgupta was giving advice. What about that? *(Interruptions)*

PROF. VIJAY KUMAR MALHOTRA: You keep on giving advice every time. *(Interruptions)*

गुरुदास दासगुप्त जी तो रोज ही सारे हाउस को एडवाइज करते हैं।...(व्यवधान)...

THE DEPUTY CHAIRMAN: I would like to refer to Rule 169(3), to which Dr. Singhvi referred. It says:

> "It shall not refer to the conduct or the character of persons except in their public capacity."

So, the Governor's conduct in his public capacity has been taken into account by the hon. Chairman and he has permitted it. There is no question of privilege in it because it is his conduct as a Governor. And the happening should be a recent one. So, it is a recent happening. It happened only yesterday. As far as the admissibility of the discussion is concerned, there are no two opinions. And we should discuss it in all seriousness. *(Interruptions)*

SHRI JANARDHANA POOJARY: Madam, I am on article 156. ...*(Interruptions)*... Article 156(1) says, "The Governor shall hold office during the pleasure of the President". Here, we are discussing the constitutional obligation of a particular Governor. We are making out a case that he has violated the provisions of the Constitution. All the hon. Members of this House, including Dr. Singhvi are responsible people. Madam, we are making out a case to show that here is a Governor who has violated all provisions as a functionary of the Constitution. So, Madam, we are making out a case that he is not fit to be a Governor and we are appealing to the President that he should be dismissed because he is not fit to hold that office, and that pleasure should be withdrawan.

SHRI B. P. SINGHAL (Uttar Pradesh): Madam, there was a very small point which hon. Member Singhvi raised. A very long discussion has gone on and it has taken a lot of time. ...*(Interruptions)*...

The only point which he made is that there is no dispute about the fact that everyone has every right to discuss the action taken by the Governor. There is no dispute about that. The dispute was only about saying that he is unfit to be a Governor anywhere. Just that sentence was objectionable. To my mind, that sentence is very objectionable. ...*(Interruptions)*... It is this sentence that deserves to be expunged.

SHRI JOHN F. FERNANDES: Are we discussing the domain of the Chair? He has given the ruling and it cannot be disputed. It will be contempt of the House.

SHRI B. P. SINGHAL: Madam, that sentence deserves to be expunged from the records.

SHRI JOHN F. FERNANDES: Madam, it should not be discussed after your ruling.

SHRI S. M. KRISHNA (Karnataka): Madam, you have permitted me. Okey?

THE DEPUTY CHAIRMAN: Yes, I reiterate that I have permitted you.

SHRI S. M. KRISHNA: Madam Deputy Chairperson, thank you very much as I am reassured now. The hon. Member has raised a point as to how without making any defamatory references to the functioning of the Governor, the debate must continue. Well, the

hon. Member has been out of this country for the last 10 years. So, he is representing the Westminster model. Unfortunately, in the country to which he was accredited as our Ambassador there were no provinces, there were no Governors and there were no Lieutenant Governors. So, perhaps he is out of date.

SHRI HANSRAJ BHARDWAJ: Madam, I want to refresh the memory of Dr. Singhvi. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: I Don't know what happened because I have given my ruling and that is final.

SHRI HANSRAJ BHARDWAJ (Madhya Pradesh): Madam, just to put the record straight, I had answered debates regarding three Governors, including the Governor of Goa, Shri Bhanu Pratap Singh. He was placed in a similar situation. He was dismissed overnight for his misconduct. Before it could be raised by the House, the sentiments were noted and we dismissed that Governor with one line, "This Governor shall cease to hold the office". This is one precedent. Their own Member, Shri Jagmohan is now a Member of the Lok Sabha. When he was the Lt. Govenor of Delhi, there was an indictment and Shri Madhu Dandavate and others brought a motion. It was discussed for two days and all sorts of allegations were levelled. So, that was debated. Now Shri Jagmohan is a Member of the other House. I answered that debate and all sorts of things were said. Dr. Singhvi, of course, is an eminent lawyer, but he is out of tune with the situation in India. Therefore, this type of debate should not be stopped.

DR. BIPLAB DASGUPTA: Madam, ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: I thought you have concluded. You have already spoken.

DR. BIPLAB DASGUPTA: I am finishing. I will just take one or two minutes.

THE DEPUTY CHAIRMAN: No, no. I am sorry Biplabbabu, no more time. ...*(Interruptions)*... Biplabji, you have made your point.

DR. BIPLAB DASGUPTA: Madam, I have not made any personal reference to the Governor. I don't know him. I have no knowledge about his credentials, some of them have been mentioned—hero and all that, big sacrifices. I have no personal knowledge about it. I cannot even spell his name properly. So, I did not bother to know the name of the Governor of Goa. All that I said was about his functioning as the Governor. I have come to the conclusion that this man who has done this has no right to govern a State. That is what I meant. I will just mention one more thing. *(Interruptions)* It is a very important point. Earlier an impression was given that this decision was taken only by the Governor and the Central Government is not involved. That is why 356 route was not taken and this 164 route was taken to give the impression that it is the decision of the Governor and it has nothing to do with the Central Government. But now it is very clear from the way the issue has been represented by that side that it has been a decision to which the Central Government is fully a party. It is a decision of the Central Government. It is a decision of the ruling party which is here. They decided to remove the State Government and to use this Governor as an instrument for getting their decision done. That should be made explicitly clear. When we are condemning the action of the Governor, we are also censuring this Government for its unconstitutional work. *(Interruptions)*

THE DEPUTY CHAIRMAN: I do not allow anybody to speak without permission. Mr. Biplab, please sit down. *(Interruptions)*

DR. BIPLAB DASGUPTA: The majority of the Rajya Sabha disapproves the unconstitutional conduct of the Governor. Thank you very much.

THE DEPUTY CHAIRMAN: If the House agrees, we can have lunch-break.

SHRI PRANAB MUKHERJEE: Everyday we cannot dispense with lunch-break. (*Interruptions*)

THE DEPUTY CHAIRMAN: Let me ask the House. If the House agrees, we will adjourn for an hour and then we can resume. I have to make an announcement also. Mr. Malhotra has gone to find out the position in the Lok Sabha because the Home Minister has to come here. He has told me that the Home Minister is to make a statement in the Lok Sabha and after that he will come here. It is better if we adjourn for lunch. (*Interruptions*)

SHRI NILOTPAL BASU: Yesterday there was a discussion here in the House. Finally you had given a ruling on whether a part of the proceedings ...(*Interruptions*)

THE DEPUTY CHAIRMAN: No discussion now. We are not talking about that now.

SHRI NILOTPAL BASU: That part which was expunged was transmitted by doordarshan.

THE DEPUTY CHAIRMAN: I will find out from Doordarshan. Any part which is not part of the record should not be shown. (*Interruption*) Anything which is said in the House which is not to be reported, if it is reported in the newspaper or in the electronic media, I am going to find out as to why it was done because until and unless the correct version of the record of the House is given for publication, they should not officially use it. Unofficially whatever is spoken, if it is direct transmission, that is different. But, whennews reporting is done in a newspaper or on electronic media, it has to be a properly corrected version of the proceedings of the House. That is over.

SHRI MD. SALIM: I just want to correct Mr. Nilotpal Basu. Star News got it from Doordarshan and Rajya Sabha recording and showed the exact portion which was removed from the record. It is a question of propriety. (*Interruptions*)

THE DEPUTY CHAIRMAN: I will find out.

प्रो० विजय कुमार मल्होत्रा: जो आपने कल कहा था उसमें से और भी बहुत सी चीजें निकाली थी। चव्हाण साहब ने जो कुछ बोला, इनमें से जो बोले थे, आपने कहा था कि मैं सारा रिकार्ड देख कर उन सब को निकाल दूंगी। वह सब चीजें निकलनी चाहियें।

THE DEPUTY CHAIRMAN: I have done that. I have seen the whole record. At 11 o'clock in the night, I did it.

SHRI H. HANUMANTHAPPA: The Session is coming to a close. Two three times we raised this issue. We are discussing price rise, we are discussing inflation, we are discussing Budget and everything. But does that price rise and inflation not affect the Members of Parliament also? I do not know. It is very peculiar. We discussed price rise. We discussed inflation but we forget ourselves. Is it not affecting the Members of Parliament? Why is this Government shy on allowances and other things? The Committee has recommended. Why is this Government not coming forward with a proposal? The Government should come up. You want to have everything, day in and day out. Why do you not bring a proposal? (*Interruption*)

SHRI JAYANT KUMAR MALHOUTRA (Uttar Pradesh): I support him.

THE DEPUTY CHAIRMAN: Let me ask the Government. Actually, Mr. Malhotra was very active on that. Let us find out what happened. (*Interruption*)

श्री रामगोपाल यादव (उत्तर प्रदेश): जो हड़ताल करते हैं, सिर्फ उन्हीं को देते हैं। (व्यवधान)

SHRI H. HANUMANTHAPPA: I want the reaction of the Leader of the House. ...(*Interruptions*)... The Leader of the House is the custodian of the interests of the Members of Parliament. ...(*Interruptions*)...

प्रो० विजय कुमार मल्होत्रा: मुझे तो सिर्फ यह बात कहनी है ...(व्यवधान)

श्री एच० हनुमनतप्पा: मल्होत्रा जी, सिकन्दर बख्त जी को बोलने दीजिए।

प्रो० विजय कुमार मल्होत्रा: जो पे एण्ड सेलरी आपकी कमेटी है ज्वाइंट हाउसेज की, दोनों की, उस पे एण्ड सेलरी कमेटी ने यूनैनिमस रिकमेंडेशंस की है...

DR. BIPLAB DASGUPTA: NO ...(*Interruptions*)...

PROF. VIJAY KUMAR MALHOTRA: I am coming to that.

THE DEPUTY CHAIRMAN: Biplabbabu, please do not interrupt. You interrupt everytime when somebody speaks. ...(*Interruptions*)...I am very sorry.

श्री एच० हनुमनतप्पा: जिनको नहीं चाहिए उनको नहीं दीजिए।

THE DEPUTY CHAIRMAN: Biplabji, you are a single Member who is objecting to it. Let him say what the Committee has decided. ...(*Interruptions*)... Please keep quiet. Let me give my ruling. ...(*Interruptions*)... Just one second. ...(*Interruptions*)...

एक सेकिंड आप जरा चुप रहिए...(**व्यवधान**) एक सेकिंड आप जरा रुकेंगे।

जो इस हाउस में अगर उनसे कहा गया है बोलने को and he has been asked to say something. He is reporting about the decision of the Committee. If you do not want any rise in your salary, you do not take it. Nobody will object. ...(*Interruptions*)... Let him finish.

DR. BIPLAB DASGUPTA: He is misleading. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Prof. Malhotra, you make an amendment that he gave a note of dissent.

प्रो० विजय कुमार मल्होत्रा: मैडम, यह पे एण्ड सेलरी कमेटी जो दोनों हाउसेज की ज्वाइंट कमेटी है, उसकी जो पहली मीटिंग हुई, उस पहली मीटिंग में आप नहीं आए थे। उसमें यूनैनिमसली 5-7 चीजें हमने रिकमेंड करके भेजी थीं। उस मीटिंग के अंदर प्रणब मुखर्जी थे, मैं था और हमारे सब मेम्बर थे। नेक्स्ट मीटिंग हुई तो उसमें आप आए थे। इनका जिक्र है और आपने...

उपसभापति: "आप" मीन्स विप्लव बाबू। "आप" मीन्स नाट मी।

प्रो० विजय कुमार मल्होत्रा: मैं दासगुप्त कहने लगा था। मुझे लग रहा था कि मैं नाम लूं।

विप्लव जी उसमें आए थे। इन्होंने कुछ प्वाइंट्स ऐसे रखे और उसमें कहा कि आप इसको प्राइस इंडेक्स के साथ मिला लें शुरू से लेकर आ तक...(**व्यवधान**)...

आइ एम सेइंग। लेट मी फिनिश।

उन्होंने अपनी बात रखी और आखिर में जब होने लगा तो आपने कहा कि मेरा रिकार्ड कर लीजिए कि मेरी इस पर सहमति नहीं है। यह दूसरी मीटिंग थी। पर बाकी जितने मेंबर थे उन्होंने यूनैनिमसली अपनी रिकमेंडेशन दी ...(**व्यवधान**)...

आई से, आपके डिसेंट के साथ। आइ एम नाट सेइंग एनीथिंग एल्स ...(**व्यवधान**)...

मैंने कहा कि आपने कहा ...(**व्यवधान**)... और बाकी सब मेंबर्स ने (**व्यवधान**)

DR. DIPLAB DASGUPTA: So, you cannot call it as unanimous.

THE DEPUTY CHAIRMAN: Just let me correct it. The day when Dr. Diplab Dasgupta was not there, there was unanimity. The day he came, he gave a note of dissent. Is it corrected now? ...(*Interruptions*)...

PROF. VIJAY KUMAR MALHOTRA: In the meeting we reiterated the earlier unanimous resolution of the Committee. There was also a note of dissent given by an hon. Member.

मैं सिर्फ इसमें यह कह रहा था कि प्राइस इंडेक्स का भी जो मामला है उस प्राइस इंडेक्स के साथ भी अगर इसको जोड़ते हैं तो भी जो हमने रिकमेंडेशंस की है वे कोई ऐसे हवा में नहीं की है।

रिकमेंडेशंस की एक बेसिस बनी है ...(**व्यवधान**) शुड आई से..

उपसभापति: वे पीछे आपके हाथ उठा रहे थे।

प्रो० विजय कुमार मल्होत्रा: रिकमेंडेशंस जो हमने की थीं उनका कुछ बेसिस था। उस मीटिंग में प्रणब साहब ने उसको प्रेसाइड किया था। दोनों हाउसेज की कमेटी ने मुझे और प्रणाब बाबू को अथराइज किया कि हम जाकर गवर्नमेंट को यह बताएं कि हमारी ओपीनियन

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क्या है। प्रणब बाबू और मैंने जाकर जो उसकी रिकमेंडेशंस थीं — पहली कमेटी की यूनैनिमस और बाद में जो अमेंडेड थी, वह जाकर उनको दे दीं।

मैडम, इसमें सिर्फ दो चीजें आती है। 1988 में लास्ट पे और डेली एलाउंसेज का तय हुआ था। 1988 के बाद 1995 में जो तय हुआ वह सिर्फ पे का हुआ और डेली एलाउंसेस का नहीं हुआ। अब सवाल सिर्फ इतना ही था कि पे क्या हो, डेली एलाउंसेस क्या हों। 1988 के बाद कम से कम 12 स्टेट असेम्बलीज ने उसको रिवाइज कर दिया। इस साल में 6 स्टेट असेम्बलीज ने रिवाइज कर दिया। तो हमने उस कमेटी में यह भी ओपीनियन रखा था कि स्टेट असेम्बलीज के एम०एल०एज की पे एण्ड एलाउंसेज भी कई जगह पर पार्लियामेंट के मेम्बर्स से ज्यादा हो गए हैं। यह भी हमने उसके अंदर प्वांइट रखा था। दूसरे देशों में क्या स्थिति है इसको भी देखा। पर कैपिटा इन्कम हिन्दुस्तान की जो है उसको भी मिलाया। 1939 में महात्मा जी ने या उससे पहले कहा था कि 500 रुपए होनी चाहिए। तो उसके हिसाब से 1939 से इस समय, आज तक 10,000 इज द प्राइस इंडेक्स। यह मेरे पास कागज है। मैं आपको दिखा देता हूं। 100 रुपए के 9700 कुछ पहुंच गए हैं। तो 500 रुपए भी करीब 50,000 रुपए बैठते हैं उसके हिसाब से। जो 1988 में था तो उसके हिसाब से भी अगर आप जोड़ेंगे तब भी यही बैठता है। हमने उसमें रिकमेंडेशन केवल इतना किया है कि डेली एलाउंसेज 200 रुपए से 500 रुपए होना चाहिए। जो पे है मेम्बर की उसको लिंक कर देना चाहिए क्योंकि हमारी कोई अपनी पे कमीशन नहीं है पे कमीशन बैठती नहीं है। उस दिन जजेज की पे अपने इस हाउस ने 10,000 रुपए से 33,000 रुपए कर दी।

इस समय कई चीजें रुक गई हैं, प्रेसीडेंट की पे, वाइस प्रेसीडेंट की पे, स्पीकर की पे और मैंबर्स की पे और एलाउंस, चारों रुके हुए हैं और चारों ही कैबिनेट के पास है। तो यह राय वहां पर बनी थी। हमने अपनी कमेटी की रिपोर्ट, अगर आप चाहें तो मैं डिटेल में और भी ज्यादा बता सकता हूं कि क्या-क्या हुआ है, परन्तु यह कमेटी की रिपोर्ट कैबिनेट के सामने चली गई ...(**व्यवधान**) अब हाउस जो वहां पर कहना चाहे उसमें कह सकता है। ...(**व्यवधान**)

THE DEPUTY CHAIRMAN: Let the whole thing go on record and people should know ...*(interruptions)*...
मल्होत्रा जी, एक मिनट। ...(**व्यवधान**)

मल्होत्रा जी, सवाल यह है कि यह मामला बहुत दिनों से उठ रहा है। यह सरकार के भी, इससे पहली की सरकार, उससे पहले भी, उससे पहली भी और 10-15 साल से यह मामला चल रहा है। पब्लिक में यह एहसास नहीं होना चाहिए कि मैम्बर ऑफ पार्लियामेंट अपनी तनख्वाह बढ़ाने के लिए उत्सुक है या अपने एलाउंसेज़ बढ़ाने के लिए क्योंकि यह जो प्राइस राइज़ है उस इंडेक्स से जोड़ने के सिलसिले में यह बात हुए थी हमारे मैंबर्स ऑफ पार्लियामेंट के साथ कोई सेक्रेटेरियल फैसिलिटी नहीं है कि वे अपनी एक चिट्ठी भी टाईप करा सकें। उनको कोई भी इस तरह की सुविधा नहीं है जो दूसरी असेंबलीज़ में अवेलेबल है। ...(**व्यवधान**)

श्री रामगोपाल यादव: केवल 1500/- रुपये तनख्वाह है, जो कि चपरासी की भी नहीं है। ...(**व्यवधान**)

उपसभापति: मेरा सिर्फ एक उसमें आया

My observation is, emoluments to the Members of Parliament, their privileges, their salaries and other requirements should be delinked from the Government and they should be in the hands of the Speaker and the Chairman of the Rajya Sabha because they are the competent authorities. The Members should go to them. No Government, neither the present nor the past or the future should interfere in it. There should be autonomy to the Houses; then only, I feel, will it be in the proper perspective. I will discuss the matter with the Chairman ...*(Interruptions)*...

श्री संघ प्रिय गौतम: मैडम, मैं एक बात कहना चाहूंगा....(**व्यवधान**)

उपसभापति: नहीं, अभी आप बैठिए। ...(**व्यवधान**) I know you are very intelligent ...*(Interruptions)*...

श्री संघ प्रिय गौतम: महोदया, मैं इसके विरोध में हूं। जब तक हम अल्प वेतनभोगी कर्मचारियों की तनख्वाह नहीं बढ़ा दें तब तक हमें अपनी तनख्वाह नहीं बढ़ानी चाहिए। ....(**व्यवधान**)

उपसभापति: बैठिए। एक बात मैं आपको बताऊं....(**व्यवधान**) जस्ट वन सैकंड, प्लीज़ ...(**व्यवधान**) एक मिनट खामोश हो जाइये। ...(**व्यवधान**) Do not speak while I am

speaking....(*Interruptions*)...Just one second ...(*Interruptions*)...

मल्होत्रा जी, आप छोड़ दीजिए ....(**व्यवधान**) मल्होत्रा जी, आप बैठिए ....(**व्यवधान**) I will handle him....(*Interruptions*)... देखिए जिस किसी को भी इस चीज़ में ख्वाहिश नहीं है कि उनकी तनख्वाह बढ़े....(**व्यवधान**) We can have those people exempted from it...(*Interruptions...*) You cannot impose your will on other Members...(*Interruptions*)...The House is adjourned for lunch for one hour.

The House then adjourned for lunch at twentyeight minutes past one of the clock.

The House reassembled, after lunch, at thirty minutes past two of the clock, The Deputy Chairman in the chair.

श्री अहमद पटेल: मैडम, यह जो मोशन है, इस पर हम सब की राय की जानी चाहिए और उसी अनुसार बहस होनी चाहिए। यह हमारी डिमांड है ताकि सारा हाउस अपनी राय दे पाए। सुबह से हम यही बात कर रहे हैं कि डा॰ मनमोहन सिंह जी ने जो मोशन दिया है, उस पर सब मेंबरान की राय ली जानी चाहिए और नियम 168 के तहत बहस होनी चाहिए।

श्री संतोष बागड़ोदिया (राजस्थान): मैडम, चैयरमेन की सुबह की रूलिंग भी वही है।

SHRI JOHN F. FERNANDES: Madam, the Motion was admitted under Rule 168. ...(*Interruptions*)..:

THE DEPUTY CHAIRMAN: The Motion is admitted under rule 176. ...(*Interruptions*)...

श्री अहमद पटेल: मैडम, वह तो चैयरमेन साहब ने किया, लेकिन हमारी डिमांड तो 168 की रही है। ....(व्यवधान)....

प्रो॰ विजय कुमार मल्होत्रा: सुबह चैयरमेन साहब के कमरे में आप के लोग भी थे और सभी थे। वहां पर इसे आप मानकर आए और तय करने के बाद अब आप ही बदलना चाहते हैं। ....(**व्यवधान**)... सुबह चैयरमेन साहब ने इन की मर्जी से चेंज किया। The Chairman changed it with their consent. It was with their specific consent that the Chairman agreed to put it under rule 176...(*Interruptions*)... और नियम 176 के तहत दो घंटे बहस हुई, लेकिन ऑल ऑफ ए सडन क्या हो गया? ...(व्यवधान)...

श्री अखिलेश दास (उत्तर प्रदेश): मैडम, हम लोग इस विषय पर नियम 168 के तहत डिस्कसन कराना चाहते हैं। नियम 176 से कोई परपज सर्व नहीं होगा, इसलिए 168 में डिस्कसन की अनुमति दीजिए। We want your permission under Rule 168...(*Interruptions*)...

श्री मोहम्मद सलीम: मैडम, कांस्टीट्यूशन का पूरा और पार्लियामेंट का जो प्रोसीजर है, उसमें यह बात तय है कि अगर गवर्नर कांस्टीट्यूशनल हैड की हैसियत से कोई फैसला लेते हैं तो पार्लियामेंट के लिए डिस्कसन करने में दिक्कत है। लेकिन अगर वह काउंसिल ऑफ मिनिस्टर्स की एडवाइस के मुताबिक नहीं करते हैं, चीफ मिनिस्टर की एडवाइस के मुताबिक नहीं करते हैं और उसके बाद अगर वहां पर प्रेसीडेंट रूल है तो ये तीन कंडीशंस हैं और फिर पार्लियामेंट को पूरा हक होता है कि हम गवर्नर के कंडक्ट को लेकर डिस्कशंस करें। ....(**व्यवधान**).... प्लीज।

†[ ]اشرف محمد سلیم: میڈم کانسٹی ٹیوشن کا پورا اور پارلیمنٹ کا جو پروسیجر ہیاس میں یہ بات طے ہے کہ اگر گورنر کانسٹی ٹیوشنل ہیڈ کی حیثیت سے کوئی فیصلہ لیتے ہیں تو پارلیمنٹ کے لئے ڈسکشن کرنے میں دقت ہے۔ لیکن اگر وہ کاونسل آف منسٹرس کی ایڈوائس کے مطابق نہیں کرتے ہیں اور اسکے بعد اگر وہاں پر پریزیڈنٹ رول ہے تو یہ تین کنڈیشن ہیں اور پھر پارلیمنٹ کو پورا حق ہوتا ہے کہ ہم گورنر کے کنڈکٹ کو لے کر ڈسکشن کریں .... "مداخلت" .... پلیز۔[

†[ ]Transilteration in Arabic Script

प्रो॰ विजय कुमार मल्होत्रा: किसने रोका है? कौन रोक रहा है? ...(**व्यवधान**)

श्री मोहम्मद सलीम: नंबर दो, इस हाऊस में, लोक सभा में सन 1970 और 1969 में तीन बार नहीं, चार बार नहीं, सात बार यह डिसकशन हुए हैं, क्योंकि The Governor enjoys his office as long as ...*(Interruption)*.

†[श्री मोहम्मद सलीम: नंबर दो- इस हाउस में -लोक सभा में 1970 और 1969 में तीन तीन बार नहीं- चार चार बार नहीं- सात बार यह डिसकशन हुए हैं क्योंकि ...]

प्रो॰ विजय कुमार मल्होत्रा: मैडम, कौन रोक रहा है इनको? ...(**व्यवधान**)...

श्री संघ प्रिय गौतम: मैडम, यह डिसकशन तो सुबह से ही यहां हो रहा है। कौन रोक रहा है? ...(**व्यवधान**)...

श्री अखिलेश दास: मैडम, लोक सभा के अंदर हुआ है उत्तर प्रदेश के डिसकशन को लेकर। ...(**व्यवधान**)... मैडम, यह बिल्कुल असंवैधानिक बात हुई है। ...(**व्यवधान**)... इनको आपत्ति क्या है 168 के लिए? अगर 168 में मोशन लिया जाता है, तो उनको आपत्ति क्या है? ...(**व्यवधान**)... सरकार इस पर पर्दा क्यों डालना चाहती है? ...(**व्यवधान**)...

श्री मोहम्मद सलीम: लोक सभा में इससे पहले, आप अगर कौल शकधर देखें, ...(**व्यवधान**)...

†[श्री मोहम्मद सलीम: लोक सभा में इस से पहले- आप अगर कौल शकधर देखें ... "मदाखलत" ...]

We have every right to ask for withdrawal of the Governor. madam, please refer to page 97 of ...*(Interruption)*.

श्री संघ प्रिय गौतम: जब सुबह से चर्चा हो रही है, तो अब क्या परेशानी है आपको? ...(**व्यवधान**)

†[ ]Transilteration in Arabic Script

Mr. Sibal argued for more than one hour. *(Interruptions)*. Discussion is going on. *(Interruptions)*.

श्री सिकन्दर बख्त: मैडम, यह क्या हो रहा है? ...(**व्यवधान**)...

†[सिब्बल साहब "श्री सिकन्दर बख्त": मैडम यह क्या हो रहा है ... "मदाखलत" ...]

उपसभापति: गोवा के मैम्बर का क्या कहना है? .....(**व्यवधान**).....

श्री सतीश प्रधान: मैडम, चेयरमेन साहब के चैम्बर में इस विषय की चर्चा हुई थी और चेयरमेन साहब ने इस विषय पर निर्णय लिया था। चेयरमेन साहब ने यहां भी इस विषय में बताया था। .....(**व्यवधान**)..... अब चर्चा आधी होने के बाद अगर कोई आपत्ति खड़ी करने के लिए खड़ा होता है तो यह ठीक नहीं है। .....(**व्यवधान**)..... यह तो सभा की और चेयरमेन की रूलिंग को चेलेन्ज करना है। .....(**व्यवधान**).....

श्री अखिलेश दास: हम तो मांग कर रहे हैं, मैडम, कि नियम 168 में इसकी चर्चा हो। इसमें आपको क्या आपत्ति है? .....(**व्यवधान**)..... उत्तर प्रदेश में जब घटना हुई थी तो आपने सड़कों पर खड़े होकर शोर मचाया था और हम लोग तो सदन के सामने गोवा की स्थिति रखना चाहते हैं, सदन में व्यू रखना चाहते हैं। .....(**व्यवधान**) ..... इसमें आपको क्या आपत्ति है? आपको जो बोलना है, वह आप भी बोलिए, अपने व्यूज दीजिए। .....(**व्यवधान**).....

प्रो॰ विजय कुमार मल्होत्रा: पहले आप इस पर बोले, अब क्या हो गया? .....(**व्यवधान**).....

श्री अखिलेश दास: 168 में आपको क्या आपत्ति है? पहले भी लोक सभा में, राज्य सभा में इस तरह की बातें हो चुकी हैं। उत्तर प्रदेश की घटना कोई बहुत पुरानी घटना नहीं हुई है। .....(**व्यवधान**)..... एक चुनी हुई सरकार को इस तरीके से एक झटके में राज्यपाल ने अपना कदम उठा लिया और आप चाहते हैं कि हम यहां डिसकशन भी न करें। .....(**व्यवधान**).....

उपसभापति: प्लीज, एक मिनट। गुरुदास दासगुप्त जी क्या कहना चाहते हैं? .....(**व्यवधान**).....

श्री संघ प्रिय गौतम: मैडम, ...(**व्यवधान**).....

श्री अखिलेश दास: मैडम, जब आपने गुरुदास दासगुप्त जी का बोला और वह खड़े हैं तो यह बीच में क्यों खड़े हो रहे हैं बार बार। .....**(व्यवधान)**..... मैडम, हम आपसे निवेदन करेंगे कि उनको बोलने दें। .....**(व्यवधान)**.....

SHRI GURUDAS DAS GUPTA: Madam, am I entitled to express my views? My point is ...*(Interruption)*

THE DEPUTY CHAIRMAN: Yes.

प्रो॰ विजय कुमार मल्होत्रा: मैडम, आप चेयरमेन की रूलिंग को चेलेन्ज कर रहे हैं। क्या बोल रहे हैं आप? .....**(व्यवधान)**..... What is going on?

SHRI GURUDAS DAS GUPTA: I am not challenging ..*(Interruption)*

THE DEPUTY CHAIRMAN: Maybe, he is supporting. *(Interruption)*

क्या कह रहे हैं आप? .....**(व्यवधान)**.....

SHRI GURUDAS DAS GUPTA: The point is, I am not challenging the decision given by the hon. Chairman. But, I have every right to implore upon you, Madam, to kindly consider another point. My point is ...*(Interruption)*. This House ...*(Interruption)* I am suggesting that the House must be able to express its views on the conduct of the Governor. *(Interruption)*. We must be able to ..*(Interruption)*. I am bringing a Motion in the House. *(Interruption)* This House is supreme. *(Interruption)*. I am moving a Motion in the House that the House is entitled to give its views on the conduct of the Governor. His conduct has been arbitrary, against democracy. We want withdrawal of the Governor of Goa.

THE DEPUTY CHAIRMAN: Let me understand one thing. *(Interruptions)* We started the disucssion on this subject. The Chairman allowed it under rule 176. Then Members started speaking. Four-five of them have already spoken. I think we can continue with the disucssion on this subject and Members can speak, from both sides; whoever wants to speak. Later on, we will see how the sense of the House...*(Interruptions)*

SHRI MD. SALIM: Madam, I am on a point of order. *(Interruptions)*

SHRI RAMACHANDRA KHUNTIA: We agree. We support the motion moved by Mr.Gurudas Das Gupta ...*(Interruptions)*

THE DEPUTY CHAIRMAN: Just one minute. Mr. Hanumanthappa and Dr. Manmohan Singh had met the hon.Chairman. Therefore, I am allowing Mr. Hanumanthappa to express his views because he got permission from the hon.Chairman. Let us listen to him; what he has to say about it. Hear it in patience.

SHRI H.HANUMANTHAPPA: Madam, while moving the Motion, the Leader of the Opposition had given the operative portion. After explaining the situation, he had moved that the Governor should be recalled. The House should express its views on that. This is our demand. That is the motion which he had moved. What is the opinion of the House? After all this discuession, what is the decision? Therefore, Madam, the House should express its view on the motion moved by the Leader of the Opposition this morning. After explaining the situation in regard to what happened in Goa, about the appointment, etc., finally, the last words used were; 'The Governor should be recalled. After all this discussion, if the House does not say 'Yes' or 'No' what is the use of the discussion?

प्रो॰ विजय कुमार मल्होत्रा: मैडम, आपने इनको भी अलाऊ किया, उनको भी अलाऊ किया, सबको अलाऊ किया, अब मेरी बात को भी सुना जाए।

THE DEPUTY CHAIRMAN: Let Mr. Malhotra also speak, because he was there.

प्रो॰ विजय कुमार मल्होत्रा: मैडम, हनुमनतप्पा जी ने बिल्कुल ठीक कहा कि ये सुबह चेयरमैन साहब के पास गए और इन्होंने डिमांड की और कहा कि इस पर 167 के अंतर्गत डिबेट होनी चाहिए। ...**(व्यवधान)**..आप मेरी बात सुनिए। यह क्या तरीका है? ...**(व्यवधान)**...167 पर डिबेट कराने पर चेयरमैन साहब ने अपनी रूलिंग दी और कहा कि मैं इसको 167 में एडमिट नहीं करूंगा, मैं 176 में अलाऊ करूंगा और

उसी पर श्री कपिल सिब्बल ने एक घंटा भाषण दिया, 62 मिनट।

Under 176, he spoke, Others spoke. Nilotpal babu spoke.

पांच-छः मैम्बर बोल चुके हैं। अब चूंकि लोक सभा एडजॉर्न हो गई है और इन्होंने इनको कहा कि यह आपने क्या कर दिया, इसलिए अब ये यहां बीच में खड़े हो गए। ...(**व्यवधान**)...अगर आप एडजॉर्न कराना चाहें तो आप कराएं लेकिन चेयरमैन साहब की रूलिंग का यहां चेंज किया जा सकता। ...(**व्यवधान**)...

The hon. Chairman had already allowed it.
(Interruptions)

SHRI PRANAB MUKHERJEE: Madam, I think, in this House, there have been umpteen number of precedents where we have converted the discussion on a Calling-Attention Motion into a full-fledged discussion. We, ourselves, have decided the proceedings of the House. The hon. Chairman, definitely, had the right to admit a motion. But if the House considers, collectively,....

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF COMMUNICATIONS (SHRIMATI SUSHMA SWARAJ): No. *(Interruptions)*

SHRI PRANAB MUKHERJEE:....or, if a large section of the House considers that in a particular way, the House should express its opinion, nothing prevents the House from expressing its opinion. Therefore, Madam...*(Interruptions)*

PROF. VIJAY KUMAR MALHOTRA: It is an insult to the Chairman. *(Interruptions)*

SHRI PRANAB MUKHERJEE: My submission to you, Madam, is this. I move an amendment to the discussion taking place that this House should express its opinion; that, in regard to the conduct of the Governor of Goa, in the discharge of his Constitutional responsibility in regard to the dismissal of the Government, this House must have the right to express its opinion in its proper form. This is the motion. *(Interruptions)*

प्रो॰ विजय कुमार मल्होत्रा: आप एक इंसिडेंट बताएं, जब ऐसा हुआ हो। ...(**व्यवधान**)...

It was never allowed. *(Interruptions)*

SHRI MD. SALIM: Madam, normally, this House cannot discuss the conduct of the Governor. This is one thing. We cannot normally discuss...

प्रो॰ विजय कुमार मल्होत्रा: चेयरमैन की रूलिंग को चैलेंज नहीं किया जा सकता। ..(**व्यवधान**).. जब यह पार्टी पावर में थी, हमने बीसियों बार 167 में रेज़ करने की कोशिश की, लेकिन कभी अनुमति नहीं दी गई। ..(**व्यवधान**)..

SHRI MD. SALIM: We cannot normally discuss the proceedings of any State Assembly because it transgresses the right of the State Legislature. The Constitutional position is clear. But Madam, please refer to page 938 of Kaul and Shakdher - last paragraph.

PROF. VIJAY KUMAR MALHOTRA: We are discussing rule 176.

ये गलत बता रहे हैं ...(**व्यवधान**)...

श्री मोहम्मद सलीम: कानून की बात सुन लीजिए, फिर कानून तोड़ेंगे आप ...(**व्यवधान**)...The last portion of the last para says:

> "To avoid the transgression into the State autonomy...."

We always stand for State autonomy, please.

> "To avoid the transgression into the State autonomy, Parliament may discuss the matter on a motion for dismissal or recall of a Governor or withdrawing of the pleasure of the President."

Without this motion, we cannot discuss it. Either we should have a motion to recall the Governor or we cannot discuss

this. Otherwise, we will transgress into the autonomy of the State. We cannot transgress into the autonomy of the State.

प्रो० विजय कुमार मल्होत्रा: चेयरमैन ने इसको एलाऊ नहीं किया, इसको ये कैसे रेज़ कर सकते हैं?

श्री मोहम्मद सलीम: मैडम, मैं तीन ओकेज़न बताता हूं ...(**व्यवधान**)...

THE DEPUTY CHAIRMAN: Dr. Singhvi. I have identified Dr. Singhvi. Let him speak ...*(Interruptions)*...

SHRI MD. SALIM: Madam, in 1969, in 1970 and on the 22nd of June, 1971, the Lok Sabha discussed this. Those motions were negatived. But it was discussed. Let there be a discussion on this. ...*(Interruptions)*...

श्री संघ प्रिय गौतम: मैडम, ये कांग्रेस के लोग कुएं में गिर रहे हैं ...(**व्यवधान**)...

एक माननीय सदस्य: आप भी कई बार आए हैं ...(**व्यवधान**)...

THE DEPUTY CHAIRMAN: Let me speak. ...*(Interruptions)*...

The matter concerns the Chairman's ruling. I cannot immediately react to it. Let me go through the book. So, I will adjourn the House for one hour. Let me apply my mind. I cannot understand this. Once the Chairman has given the ruling, if they want to move another motion, let us conclude this debate and move another motion. That is a different matter. But, as we are half-way through this, let me look at the previous books, and then we will do it.

The House is adjourned for one hour.

The House then adjourned at forty-eight minutes past two of the clock.

4.00 P.M.

The House reassembled at four of the clock, the Deputy Chairman in the Chair.

श्री बाल कवि बैरागी (मध्य प्रदेश): मैडम, लोकतंत्र को बचाना है, गोवा के गवर्नर को हटाना है। ....(**व्यवधान**)....

श्री सुरेश पचौरी: मैडम, गोवा में लोकतंत्र की हत्या हुई है। ....(**व्यवधान**).... संविधान की हत्या हुई है। ....(**व्यवधान**).... आपके माध्यम से हम सरकार से मांग करते हैं कि गोवा के गवर्नर को तुरन्त वापिस बुलाया जाए। ....(**व्यवधान**)....

THE DEPUTY CHAIRMAN: Let us have discussion.

श्री सुरेश पचौरी: गोवा में ज्यादती हुई है ....(**व्यवधान**)....

उपसभापति: आपको डिस्कसन नहीं करना है क्या? नहीं करना है तो

I will adjourn the House. There is no point in sitting here. I adjourn the House till 11.00 a.m. tomorrow.

The House then adjourned at two minutes past four of the clock till eleven of the clock on Friday, the 31st July, 1998.